



City of Port Orchard Council Meeting Agenda
October 27, 2020
6:30 p.m.

Mayor:

Rob Putaansuu
Administrative Official

Councilmembers:

Bek Ashby
Finance Committee
Economic Development & Tourism Committee
Transportation Committee, **Chair**
KRCC/KRCC PlanPol-alt /KRCC TransPol
PSRC-alt/PSRC TransPOL-Alt/PRTPO

Shawn Cucciardi
Finance Committee
E/D & Tourism Committee, **Chair**
Kitsap Economic Development Alliance

Fred Chang
Economic Development & Tourism Committee
Land Use Committee

Jay Rosapepe (Mayor Pro-Tempore)
Utilities/Sewer Advisory Committee
Land Use Committee
Transportation Committee
Lodging Tax Advisory Committee, **Chair**
KRCC-alt

John Clauson
Finance Committee, **Chair**
Utilities/Sewer Advisory Committee
Kitsap Public Health District-alt

Cindy Lucarelli
Festival of Chimes & Lights Committee, **Chair**
Utilities/Sewer Advisory Committee, **Chair**
Kitsap Economic Development Alliance

Scott Diener
Land Use Committee, **Chair**
Transportation Committee

Department Directors:

Nicholas Bond, AICP
Development Director

Mark Dorsey, P.E.
Director of Public Works/City Engineer

Tim Drury
Municipal Court Judge

Noah Crocker, M.B.A.
Finance Director

Matt Brown
Police Chief

Brandy Rinearson, MMC, CPRO
City Clerk

Meeting Location:

Council Chambers, 3rd Floor
216 Prospect Street
Port Orchard, WA 98366

Contact us:

(360) 876-4407
cityhall@cityofportorchard.us

Pursuant to the Governor's "Stay Home - Stay Safe" Order, the City will take actions on necessary and routine business items.

The City is prohibited from conducting meetings unless the meeting is NOT conducted in-person and instead provides options for the public to attend through telephone, internet or other means of remote access, and also provides the ability for persons attending the meeting (not in-person) to hear each other at the same time. Therefore;

Remote access only

Link: <https://us02web.zoom.us/j/84226262748>

Zoom Meeting ID: 842 2626 2748

Zoom Call-In: 1 253 215 8782

1. CALL TO ORDER

A. Pledge of Allegiance

2. APPROVAL OF AGENDA

3. CITIZENS COMMENTS

*(Please limit your comments to **3 minutes** for items listed on the Agenda and that are not for a Public Hearing. When recognized by the Mayor, please state your name for the official record)*

4. CONSENT AGENDA

(Approval of Consent Agenda passes all routine items listed below, which have been distributed to each Councilmember for reading and study. Consent Agenda items are not considered separately unless a Councilmember so requests. In the event of such a request, the item is returned to Business Items.)

A. Approval of Vouchers and Electronic Payments

B. Approval of Payroll and Direct Deposits

5. PRESENTATION

A. South Kitsap Community Event Center-Site Section Criteria (Rice Fergus Miller)

6. PUBLIC HEARING

A. Property Tax Levy and Revenue Sources Current Expense Budget 2021-2022 and Satisfying the Requirements of RCW 84.55.120 (Crocker) **Page 3**

7. BUSINESS ITEMS

A. Adoption of an Ordinance Setting the Amount of Property Tax to be Levied for the Year 2021 Pursuant to RCW 84.55.120 (Crocker) **Page 19**

B. Adoption of a Substantial Need Ordinance for Property Taxes to be Levied for the Year 2021 Pursuant to RCW 84.55.0101 (Crocker) **Page 23**

- C. [Adoption of an Ordinance Approving the 2020 Port Orchard Municipal Code Title 20 *Unified Development Code “Housekeeping” Amendments* \(Bond\) **Page 27**](#)
- D. [Approval of an Interlocal Agreement with the South Kitsap School District for the School Resource Officer Program](#) (M. Brown) **Page 68**
- E. [Approval of a Memorandum of Understanding with the Police Guild Representing Patrol Regarding Starting Pay of Lateral Police Officer Applicants](#) (Lund) **Page 75**
- F. [Approval of the October 13, 2020, Council Meeting Minutes](#) **Page 76**

8. DISCUSSION ITEMS (No Action to be Taken)

- A. Reservoir Cleaning Video (Dorsey)

9. REPORTS OF COUNCIL COMMITTEES

10. REPORT OF MAYOR

11. REPORT OF DEPARTMENT HEADS

12. CITIZEN COMMENTS

(Please limit your comments to 3 minutes for any items not up for Public Hearing. When recognized by the Mayor, please state your name for the official record)

13. EXECUTIVE SESSION: Pursuant to RCW 42.30.110, the City Council may hold an executive session. The topic(s) and the session duration will be announced prior to the executive session.

14. ADJOURNMENT

COMMITTEE MEETINGS

	Date & Time	Location
Finance	TBD	Remote Access
Economic Development and Tourism	October 26, 2020; 8:00am	Remote Access
Utilities	November 17, 2020; 5:00pm - 3 rd Tuesday of each month	Remote Access
Sewer Advisory	November 18, 2020; 6:30pm	Remote Access
Land Use	November 4, 2020; 4:30pm	Remote Access
Transportation	October 27, 2020; 5:00pm; 4 th Tuesday of each month	Remote Access
Lodging Tax Advisory	October, 2020	Remote Access
Festival of Chimes & Lights	November 2, 2020; 3:30pm	Remote Access
Director/Council Budget Meeting	October 28, 2020; 8:30am	Remote Access
Outside Agency Committees	Varies	Varies

CITY COUNCIL GOOD OF THE ORDER

Please turn off cell phones during meeting and hold your questions for staff until the meeting has been adjourned.
 The Council may consider other ordinances and matters not listed on the Agenda, unless specific notification period is required.
 Meeting materials are available on the City’s website at: www.cityofportorchard.us or by contacting the City Clerk’s office at (360) 876-4407.
 The City of Port Orchard does not discriminate on the basis of disability. Contact the City Clerk’s office should you need special accommodations.



City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.:	<u>Public Hearing 6A</u>	Meeting Date:	<u>October 27, 2020</u>
Subject:	<u>Property Tax Levy and Revenue Sources</u>	Prepared by:	<u>Noah D. Crocker</u>
	<u>Current Expense Budget 2021-2022 and</u>		<u>Finance Director</u>
	<u>Satisfying the Requirements of RCW</u>	Atty Routing No:	<u>Matter 7 -Finance</u>
	<u>84.55.120</u>	Atty Review Date:	<u>October 16, 2020</u>

Summary: The City legislative body is required to hold a Revenue Sources Public Hearing on current expense budget revenue sources for the coming year’s budget, including consideration of possible increases in property tax revenues, per RCW 84.55.120. The hearing is required before the legislative body votes on a property tax levy for the upcoming year. The deadline for setting the levy for property tax collection for 2021 is November 30, 2020.

This Hearing is a part of the public process that leads to the adoption of an Ordinance setting the property tax levy, which is then forwarded to the Kitsap County Assessor along with a Levy Certification, in order to set the property tax levy for collection in the 2021 tax year.

The Hearing will include a presentation of revenue sources and estimates for 2021-2022. The Hearing relates to setting the 2021 levy for property tax collection in the first year of the 2021-2022 biennium.

“Current expense budget” means that budget which is primarily funded by taxes and charges and reflects the provision of ongoing services. It does not mean the capital, enterprise, or special assessment budgets.

Recommendation: Open and conduct the Public Hearing.

Fiscal Impact: Leads to the setting of the property tax levy for collection in the 2021 tax year.

Alternatives: None. Required.

Attachments: Revenue Sources Presentation.

City of Port Orchard

2021 Revenue Sources Presentation

October 27, 2020

A Requirement of RCW 84.55.120

- ▶ Current expense budget means that budget which is primarily funded by taxes and charges and reflects the provision of ongoing services.
- ▶ Current expense budget does not mean the capital, enterprise, or special assessment budgets.

General Fund 2021-2022 Biennial Budget - Tax Revenue

TOTAL TAX REVENUE = \$20,858,100

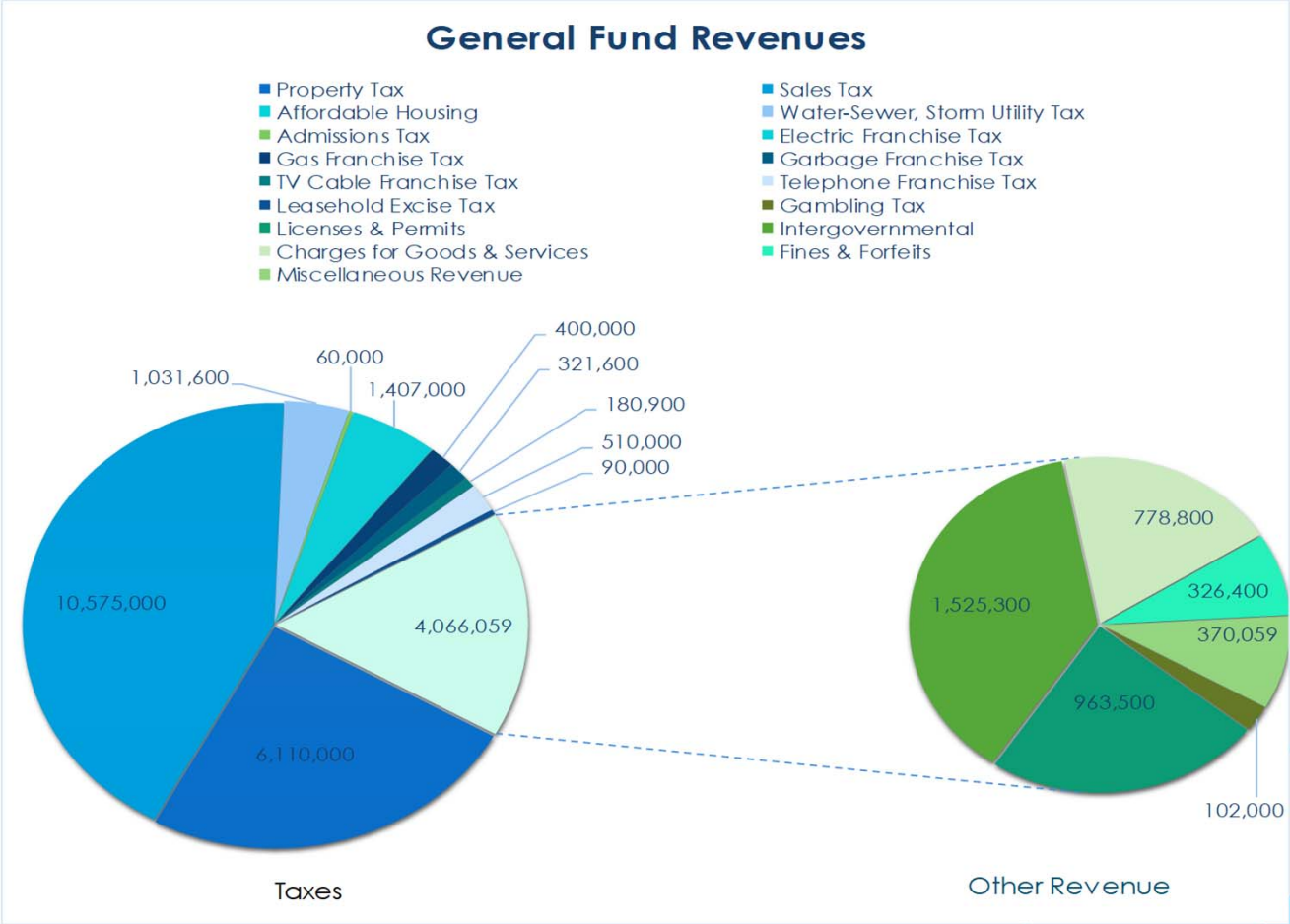


General Fund

2021-2022 Biennial Budget Tax Revenue

Budgeted	2021	2022	Biennium Total	% of Budgeted Tax
Retail Sales & Use Tax	5,235,000	5,340,000	10,575,000	50.7%
Property Tax	3,040,000	3,070,000	6,110,000	29.3%
Other taxes				
Affordable Housing	35,000	35,000	70,000	0.4%
Electric	700,000	707,000	1,407,000	6.8%
Telephone	260,000	250,000	510,000	2.5%
Utilities	514,000	517,600	1,031,600	5.0%
Garbage	160,000	161,600	321,600	1.5%
TV Cable	90,000	90,900	180,900	0.9%
Natural Gas	200,000	200,000	400,000	1.9%
Gambling	51,000	51,000	102,000	0.5%
Admissions	25,000	35,000	60,000	0.3%
Leasehold Excise	45,000	45,000	90,000	0.4%
TOTAL	10,355,000	10,503,100	20,858,100	100.00%

General Fund 2021-2022 Biennial Budgeted Revenue - All Sources \$24,822,159



General Fund 2019-2020 Budget vs 2021-2022 Budget Revenue Comparison

Revenue by Category	2019-2020 Budget	2021-2022 Budget	% of Budget Received
Sales Tax	10,145,000	10,575,000	4.24%
Property Taxes	5,741,000	6,110,000	6.43%
Other Taxes	4,593,300	4,173,100	-9.15%
Tax Revenue	20,479,300	20,858,100	1.85%
License & Permits	810,700	963,500	18.85%
Intergovernmental Revenue	1,019,800	1,525,300	49.57%
Charges for Services	883,500	778,800	-11.85%
Fines & Penalties	356,000	326,400	-8.31%
Miscellaneous Revenues	362,300	370,059	2.14%
Other Revenues	3,432,300	3,964,059	15.49%
Totals	23,911,600	24,822,159	3.81%

Property Tax Substantial Need Ordinance

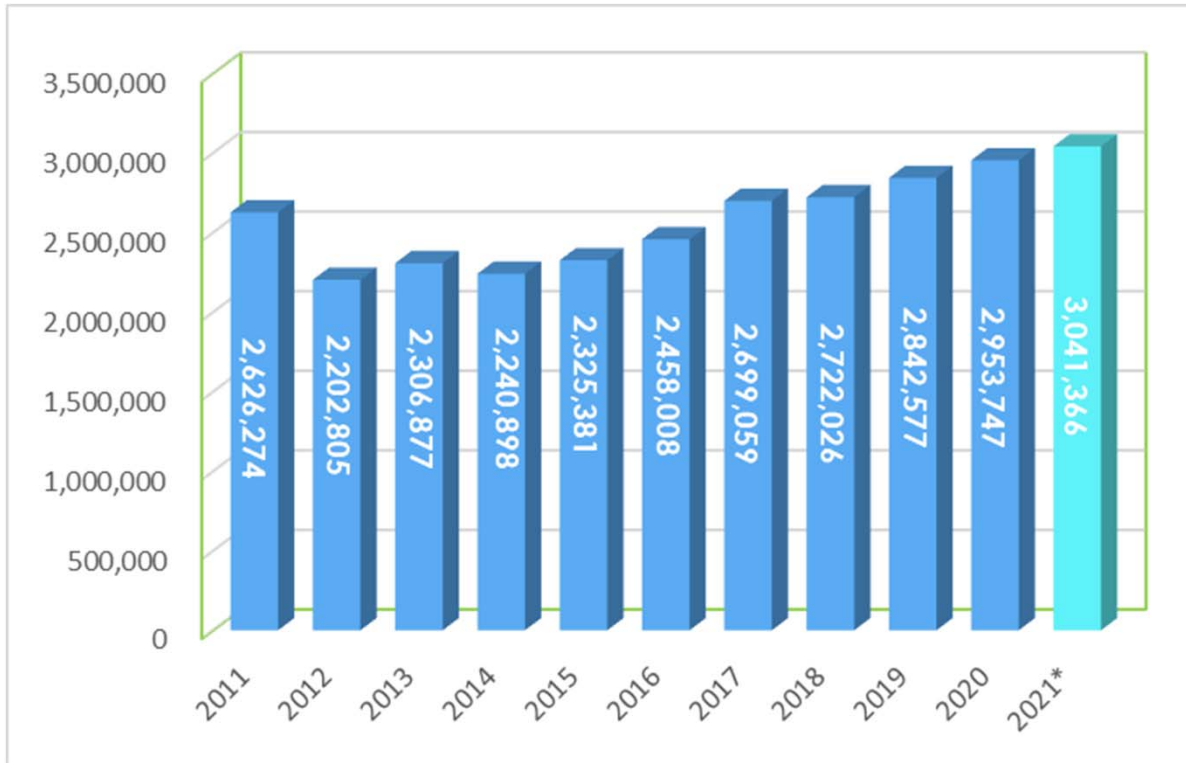
- ▶ This year the Implicit Price Deflator was calculated at 0.602%.
- ▶ This means for the City to levy the full 1% limit it will need to adopt a second, substantial need ordinance, setting the levy limit above the IPD and up to the 1% limit.
- ▶ If the governing board has four member or less, the ordinance must be approved by two-thirds of the board. If the board has more than four members, a majority plus 1 vote is required.
- ▶ If not passed, districts with a population of 10,000 or greater will be required to use the IPD as their levy limit rather than the 1%.
- ▶ **The City has a Substantial Need due to the following:**
 - ▶ Investments in the street preservation program
 - ▶ Declining Motor Vehicle Fuel Tax for the Street

Property Tax History

Levy Year	Assessed Valuation	Levy Rate	Levied Property Taxes
2016	1,405,166,175	1.7493	2,458,008
2017	1,532,610,083	1.7611	2,699,059
2018	1,631,598,525	1.6683	2,722,026
2019	1,849,694,593	1.5368	2,842,577
2020	2,072,895,477	1.4247	2,953,747
2021*	2,235,542,403	1.3535	3,041,366

* Projected rate until Fire & Library District final levys are known

Property Tax Collection History



Property Tax Comparison 2020 to 2021

Levy Rate - 1.424737		2020
Levy Amount	\$	2,842,577
0.39327% increase	\$	11,179
New Construction	\$	79,212
Annexation	\$	-
Utilites	\$	10,000
Refunds	\$	19,707
Total Taxes	\$	2,962,675

Levy Rate - 1.35353		2021
Levy Amount	\$	2,953,332
0.326039 % increase	\$	9,629
New Construction	\$	62,913
Annexation	\$	-
Utilites	\$	10,000
Refunds	\$	15,492
Total Taxes	\$	3,051,366

Retail Sales & Use Tax Revenue

Equally as important as Property Tax.

The City of Port Orchard received a 0.84% Sales Tax

Sales Tax Collection

- ▶ Year to Date Sales Tax Revenue is on track with what the city estimated for 2020

Year-to-date
82.27%

Year	Actual	Estimated
2015	4,138,566	
2016	4,536,118	
2017	4,725,746	
2018	5,088,978	
2019	5,344,307	5,060,000
2020	4,183,393	5,085,000
2021		5,235,000
2022		5,340,000

As of
9/30/20

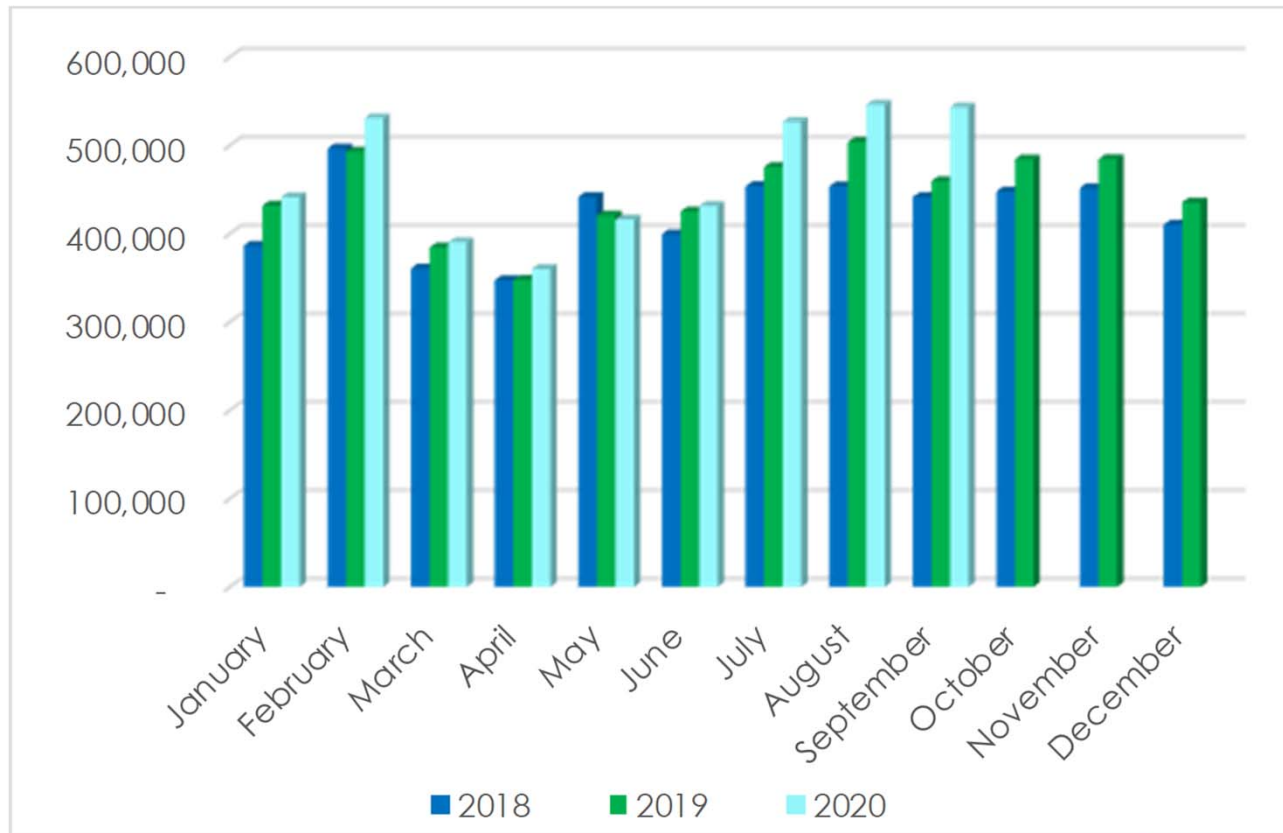
Sales Tax Revenue Received by Month

▶ YTD measured against 2019 shows a growth rate of 6.16%

▶ This growth rate is up slightly from the prior year over the same time period.

Year	2015	2016	2017	2018	2019	2020	Annual Growth Rate
January	296,268	347,041	351,549	386,354	431,657	440,828	2.12%
February	400,407	449,948	461,703	496,351	493,079	530,599	7.61%
March	279,274	309,322	321,753	360,538	384,364	389,996	1.47%
April	300,199	326,635	328,165	347,330	347,428	359,821	3.57%
May	358,352	363,892	388,621	441,283	420,458	415,936	-1.08%
June	317,356	390,487	367,611	399,207	425,069	431,044	1.41%
July	351,995	374,767	408,585	453,650	475,469	526,489	10.73%
August	389,756	411,062	453,577	453,487	503,789	545,861	8.35%
September	378,150	398,665	403,185	441,406	459,433	542,819	18.15%
October	357,596	397,959	421,304	447,624	483,935		
November	379,146	406,541	427,841	451,629	484,346		
December	330,064	359,797	391,854	410,120	435,279		
Total	4,138,566	4,536,118	4,725,746	5,088,978	5,344,307	4,183,393	

Sales Tax Collection 2017 to 2019



Thank You...

This concludes my
remarks.

Questions?



City of Port Orchard
 216 Prospect Street, Port Orchard, WA 98366
 (360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.: <u>Business Item 7A</u> Subject: <u>Adoption of an Ordinance Setting the</u> <u>Amount of Property Tax to be Levied</u> <u>for the Year 2021 Pursuant to RCW</u> <u>84.55.120</u>	Meeting Date: <u>October 27, 2020</u> Prepared by: <u>Noah D. Crocker</u> <u>Finance Director</u> Atty Routing No: <u>Matter 7-Finance</u> Atty Review Date: <u>October 16, 2020</u>
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Summary: On October 27, 2020, the City Council held a public hearing on revenue sources for the current expense (general fund) budget. The hearing included a presentation and discussion on property tax considered for collection in 2021. Below is a comparison of next year’s levy amount to this year’s levy amount.

2020		2021	
Levy Amount	\$ 2,842,577	Levy Amount	\$ 2,953,332
0.39327 % increase	\$ 11,179	0.326039 % increase	\$ 9,629
New Construction	\$ 79,212	New Construction	\$ 62,913
Annexation	\$ -	Annexation	\$ -
Utilites	\$ 10,000	Utilites	\$ 10,000
Total Taxes	\$ 2,942,968	Total Taxes	\$ 3,035,874
Refunds	\$ 19,707	Refunds	\$ 15,492
Total Taxes	\$ 2,962,675	Total Taxes	\$ 3,051,366

State law (RCW 84.52.043) establishes maximum levy rates for the various types of taxing districts (the state, counties, cities and towns, fire districts, library districts and the like). Total City of Port Orchard 2021 property tax amount is estimated to be \$3,051,366 based upon an estimated \$1.3535 per thousand of current total assessed value of \$2,235,542,403. The 2021 amount is estimated until the final levy calculation is completed by the Kitsap County Assessor. Pursuant to RCW 84.55.120 the City Council is required to adopt a separate ordinance specifically authorizing an increase in the regular property tax levy in terms of both dollars and percentage increase from the previous year's levy. By this Ordinance, the City Council would authorize an increase of \$9,629 which is a 0.326039% increase from the previous year.

Recommendation: Council Finance Committee recommends approval of the Ordinance.

Relationship to Comprehensive Plan: N/A

Motion for consideration: I move to adopt an Ordinance setting the 2021 property tax levy and the amount of property taxes to be raised for the budget year of 2021.

Fiscal Impact: Property tax collection will be budgeted within the Current Expense Fund No. 001 and Street Fund No. 002.

Alternatives: N/A

Attachment: Ordinance.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON,
SETTING THE AMOUNT OF PROPERTY TAXES TO BE LEVIED FOR
THE YEAR 2021 PURSUANT TO RCW 84.55.120 PROVIDING FOR
SEVERABILITY AND PUBLICATION; AND SETTING AN EFFECTIVE
DATE.**

WHEREAS, the City Council of the City of Port Orchard (taxing district #8710) has met and considered its budget for the calendar year 2021; and

WHEREAS, the district's actual levy amount from the previous year was \$2,953,332; and

WHEREAS, the population of the district is more than 10,000; and

WHEREAS, on October 27, 2020, the City Council held a duly-noticed public hearing to consider revenue sources for the City's 2021 budget; now, therefore,

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO HEREBY
ORDAIN AS FOLLOWS:**

SECTION 1: An increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2021 tax year.

SECTION 2: The dollar amount of the increase over the actual levy amount from the previous year shall be \$9,629 which is a percentage increase of 0.326039% from the previous year. This increase is exclusive of additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, solar, biomass, and geothermal facilities, and any increase in the value of state assessed property, any annexations that have occurred and refunds made.

SECTION 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

SECTION 5. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of the City of Port Orchard, SIGNED by the Mayor and

attested by the Clerk in authentication of such passage this 27th day of October 2020.

Robert Putaansuu, Mayor

ATTEST:

SPONSOR:

Brandy Rinearson, MMC, City Clerk

John Clauson, Councilmember

APPROVED AS TO FORM:

Charlotte A. Archer, City Attorney

PUBLISHED:

EFFECTIVE DATE:



City of Port Orchard

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Agenda Staff Report

Agenda Item No.:	<u>Business Item 7B</u>	Meeting Date:	<u>October 27, 2020</u>
Subject:	<u>Adoption of a Substantial Need</u>	Prepared by:	<u>Noah D. Crocker</u>
	<u>Ordinance for Property Taxes to be</u>		<u>Finance Director</u>
	<u>Taxes to be Levied for Year 2021</u>	Atty Routing No:	<u>N/A</u>
	<u>Pursuant to RCW 84.55.0101</u>	Atty Review Date:	<u>N/A</u>

Summary: On October 27, 2020, the City Council held a public hearing on revenue sources for the current expense (general fund) budget. The hearing included a presentation and discussion on property tax considered for collection in 2021. In Washington State the Implicit Price Deflator (IPD) Index for personal consumption expenditure affects property tax rate setting for local governments. The implicit price deflator for personal consumption expenditures is a figure used to measure inflation, and it can impact how much property tax revenue a jurisdiction can collect in any year.

The definition of "inflation" for setting a property tax levy (RCW 84.55.005) is: "Inflation" means the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the federal department of commerce by September 25th of the year before the taxes are payable.

Under state law, no local government may increase its property tax levy more than 1% in a given year, and local governments with a population of 10,000 or more are limited to the lesser of 1% or the rate of inflation (RCW 84.55.005 - .010). However, if inflation falls below 1%, a jurisdiction with a population of 10,000 or more may adopt a resolution/ordinance of "substantial need" allowing it to increase the levy (or bank the excess capacity) up to the full 1 percent.

If the local legislative body has five or more members, the ordinance must be approved by a "majority plus one" supermajority for passage.

Due to the added costs required to meet the levels of service expected in the areas of public safety, road repair and transportation, parks and recreation and other City services for the year 2021, there is substantial need to for the City to set the levy limit at the full one hundred one percent (101%). By this Ordinance, the City Council would find a substantial need to set the levy limit at the full one hundred one percent (101%) for 2021.

Recommendation: Staff recommends adoption of the Substantial Needs Ordinance.

Relationship to Comprehensive Plan: N/A

Motion for consideration: I move to adopt an Ordinance finding a substantial need to increase property taxes levied by one percent(1%) and to set the levy limit at one hundred one percent (101%) to ensure adequate funding for City services in calendar year 2021.

Fiscal Impact: Property tax collection will be budgeted within the Current Expense Fund No. 001 and Street Fund No. 002. The substantial needs would provide an estimated \$11,676 of additional property tax levy.

Alternatives: N/A

Attachment: Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, FINDING SUBSTANTIAL NEED TO SET THE LEVY LIMIT FOR THE PROPERTY TAX LEVY FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2021, AT ONE HUNDRED ONE PERCENT (101%) TO ENSURE ADEQUATE FUNDING; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION

WHEREAS, the City Council of the City of Port Orchard duly and regularly adopts as required by law the estimate of amounts required to meet public expenses of the City during the ensuing year from all sources including direct taxation; and

WHEREAS, RCW 84.55.0101 provides that a taxing jurisdiction with a population of more than 10,000 may levy regular property taxes in an amount not more than the limit factor multiplied by the highest levy in the most recent three years, plus certain other additional amounts, with the limit factor being the lesser of 101 percent or 100 percent plus inflation for the prior year; and

WHEREAS, pursuant to RCW 84.55.0101, if the rate of inflation is less than one percent, a taxing jurisdiction with a population of more than 10,000 may use the full 101 percent limit factor upon a finding of substantial need; and

WHEREAS, RCW 84.55.005 defines “inflation” as the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period; under this definition, the rate of inflation for the tax levy for the fiscal year commencing on January 1, 2021 is approximately 0.602 percent; and

WHEREAS, the City Council has met and considered its budget for the calendar year 2021; and

WHEREAS, on October 27, 2020, the City Council held a public hearing to consider the City’s revenue sources for the following year’s current expense budget pursuant to RCW 84.55.120; and

WHEREAS, the City Council, after hearing and considering all relevant evidence and testimony presented, has determined that, due to the added costs required to meet the levels of service expected in the areas of public safety, road repair and transportation, parks and recreation and other City services, there is substantial need to set the levy limit at one hundred one percent (101%); now therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The City Council finds that there is a substantial need under RCW 84.55.0101 to use a limit factor of one hundred one percent (101%) for the property tax levy in 2021, to ensure adequate funding for City services in calendar year 2021.

SECTION 2: The Finance Director is hereby directed to certify to the County Assessor of the Kitsap County, Washington, a copy of this ordinance.

SECTION 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

SECTION 5. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by a supermajority of the City Council of the City of Port Orchard, SIGNED by the Mayor and attested by the Clerk in authentication of such passage this 27th day of October 2020.

Robert Putansuu, Mayor

ATTEST:

SPONSOR:

Brandy Rinearson, MMC, City Clerk

John Clauson, Councilmember

APPROVED AS TO FORM:

Charlotte A. Archer, City Attorney

PUBLISHED:

EFFECTIVE DATE:



City of Port Orchard

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Agenda Staff Report

Agenda Item No.:	<u>Business Item 7C</u>	Meeting Date:	<u>October 27, 2020</u>
Subject:	<u>Adoption of an Ordinance Approving the 2020 Port Orchard Municipal Code Title 20 <i>Unified Development</i> Code "Housekeeping" Amendments</u>	Prepared by:	<u>Nick Bond, AICP DCD Director</u>
		Atty Routing No:	<u>N/A</u>
		Atty Review Date:	<u>N/A</u>

Summary: DCD staff continually tracks errors, inconsistencies, outdated references and omissions in Title 20 POMC (Unified Land Use and Development Code), and gathers these into one corrections ordinance each year – generally known as the annual Title 20 “housekeeping” ordinance. These proposed corrections to Title 20 for 2020 have been prepared for City Council review. The ordinance is provided in clean format, and an explanatory document is provided that lists each correction in numerical order, in redline strikeout/underline format, with explanations at the head of each change.

The Planning Commission held a public hearing on the proposed housekeeping ordinance on October 6, 2020, and voted to recommend that the City Council approve the ordinance. The Land Use committee reviewed the ordinance on October 7, 2020, and directed staff to bring the ordinance to the full Council for review and adoption.

Recommendation: Staff recommends that the City Council vote to approve an ordinance adopting minor corrections, clarifications and updates to Title 20 POMC.

Relationship to Comprehensive Plan: N/A

Motion for Consideration: “I move to approve an ordinance adopting minor corrections, clarifications and updates to Title 20 POMC.”

Fiscal Impact: N/A

Alternatives: Direct staff to revise the ordinance; do not adopt an ordinance.

Attachments: Ordinance; Redline Section-by-Section Explanatory Document

TITLE 20 POMC
PROPOSED “HOUSEKEEPING” CORRECTIONS – 2020
 SHOWN AS **RED STRIKEOUT/UNDERLINE**, PER SECTION EXCERPT
 Explanations for changes are listed in *italic blue* before each change
 Planning Commission Meeting: October 6, 2020

 1. *This code section indicated that Comprehensive Plan amendment applications could be submitted until 5:00 pm on January 31; however, City offices close at 4:30 pm. This section has been changed to 4:00 pm to allow sufficient time for submittal review, payment and receipt prior to 4:30 pm.*

20.04.060 Agenda process.

(2) All comprehensive plan amendment applications must be completed and submitted to the planning department by ~~5:00~~ 4:00 p.m. on January 31st of any year in order to be considered during that year’s amendment process. Completed applications that are received after the submission date will be placed on the comprehensive plan amendment agenda for the following calendar year. Applications that are incomplete will be returned to the applicant.

 2. *Sign variance permits were incorrectly classified as a Type I permit instead of Type II. Master Sign Plan was left out of the Type I permits. The sign code no longer has a Comprehensive Sign Design Plan permit.*

Table 20.22.020 – Permit Review Type Classifications

Type I	Type II	Type III	Type IV	Type V
Director Decision Judicial Appeal	Director Decision HE Appeal	HE Decision Judicial Appeal	City Council Decision Judicial Appeal	City Council Decision GMHB Appeal
Sign Variance (Chapter 20.132 POMC) <u>Master Sign Plan</u>	<u>Sign Variance (Chapter 20.132 POMC)</u>	Comprehensive Sign Design Plan Permit		

3. Clarifies in Section 20.24.110(2) who is entitled to receive a Notice of Decision on a project application. Requests must be submitted in writing.

20.24.110 Notice of decision.

(2) Persons Entitled to Receive Notice of Decision. A notice of decision, or the written findings of fact and conclusions, shall be provided to the applicant, to any person who submitted written comments on the application (other than a signed petition), to any person who testified at the hearing or any person who requested in writing a copy of the decision, and to the Kitsap County assessor.

4. Clarifies in Section 20.25.050(1)(a) who is entitled to receive a Notice of Hearing for a project application, to be consistent with code requirements in 20.24.110(2) for receiving the Notice of Decision – see #4 above.

20.25.050 Notice of public hearing.

(1) Mailed Notice of Public Hearing. The city shall use the records of the Kitsap County assessor's office as the official records for determining ownership of property. The director shall mail notice of the public hearing as follows:

(a) At least 14 calendar days before the hearing date, notice shall be mailed to:

- (i) The applicant and all owners or contract purchasers of record of the property that is the subject of the application;
- (ii) All property owners of record within 300 feet of the site;
- (iii) Affected governmental agencies as determined by the city;
- (iv) Any neighborhood or community organization whose boundaries include the property proposed for development, and which has requested notice;
- (v) Any person who submitted written comments on the application (other than a signed petition);
- (vi) Any person who submits a written request to receive notice; and
- (vii) For appeals, the appellant and all persons who provided testimony in the original decision.

5. Changes the title of Chapter 20.37 to “Public and Community Space Districts”, for consistency with the Comprehensive Plan map and to better reflect the land uses under this designation.

Chapter 20.37

Public and Community Space ~~Civic and Open Space~~ Districts

Sections:

20.37.010 Civic and institutional (CI).

- 20.37.020 Parks and recreation (PR).
- 20.37.030 Public facilities (PF).

6. Remove “by building type” from lot size requirements in sections 20.37.010(3)(a) and 20.37.030(3)(a). This term was included in error.

Chapter 20.37.010 Civic and institutional (CI).

(3) Lot Dimensions.

- (a) Minimum lot size ~~by building type~~: 7,000 square feet.
- (b) Minimum lot width: 70 feet.

Chapter 20.37.030 Public facilities (PF).

(3) Lot Dimensions.

- (a) Minimum lot size ~~by building type~~: 7,000 square feet.
- (b) Minimum lot width: 70 feet.

7. Adds language to prevent outside storage and other undesirable, unforeseen uses and activities from being accessory uses in the Downtown Mixed Use (DMU) zone in the “business services” category, due to lack of specificity in the code.

20.39.380 Business services.

(1) Defined. A facility providing ~~other~~ professional office and commercial retail businesses with services including maintenance, repair and service, testing, and rental, such as business equipment repair services, document storage, document destruction, and soils and materials testing laboratories. This use excludes maintenance, repair, and service uses that are industrial in nature or that include outdoor storage of equipment or supplies. Examples include but are not limited to: Uses that include maintenance, repair and service such as copiers or computers are allowed. Uses that include maintenance, repair and service related to plumbing, landscaping, commercial kitchens or other industrial type uses are not allowed.

8. Corrects numbering and removes a redundant section (appeals are addressed in POMC 20.54.140).

POMC 20.54.090 Administration of nonconforming permits.

- (1) The following steps shall be followed in the processing of nonconforming permits:
 - (a) Determination of complete application (POMC 20.24.~~050-060~~);
 - (b) Determination of consistency (POMC 20.24.~~090-100~~); and
 - (c) Notice of decision by director (POMC 20.24.~~100-110~~); and
 - ~~(d) Administrative appeal, if any (open record hearing, POMC 20.22.040).~~

9. Incorporates Director's Interpretation LU20-01 Subdivision Design – Street Length (dated June 3, 2020) into code, per POMC 20.10.040(5)(b). This interpretation provides the intent for how the block length exceptions in POMC 20.100.060(2) are granted, and allows each of the exceptions to be utilized independently of the others.

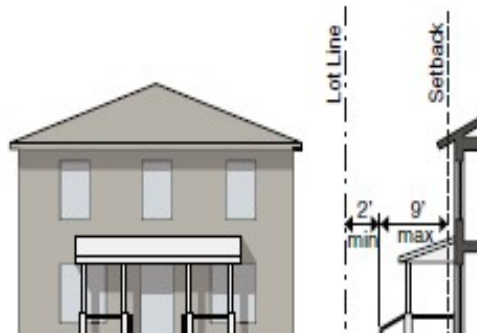
20.100.60 Street length.

(2) Where significant topographic features, or critical areas features, are present and will be retained on parcels of one-half acre or larger in size that are proposed for development, if one of the three options provided below are implemented within each block that exceeds 800 feet in face length or 2,400 feet in perimeter length, the street length standards in this section shall be considered met: The length of a block or street segment may exceed the maximum length stated in subsection (1) of this section under the following conditions:

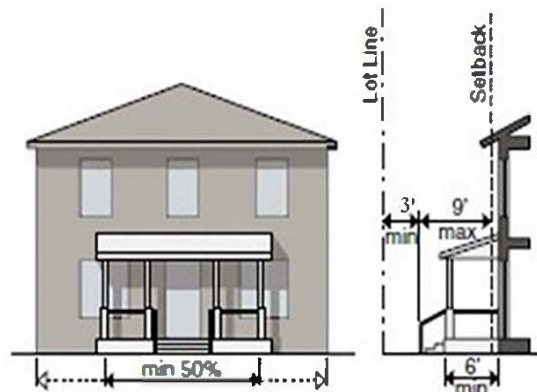
- (a) Blocks containing retention or detention ponds;
- (b) Blocks containing parks; or
- (c) Development where the proposed development abuts the rear of an existing development and no rights-of-way have been provided.

10. Corrects the first graphic illustration for section 20.122.060 – porches can be within 3 feet of a lot line, not 2 feet, per 20.122.060(4).

Existing graphic:

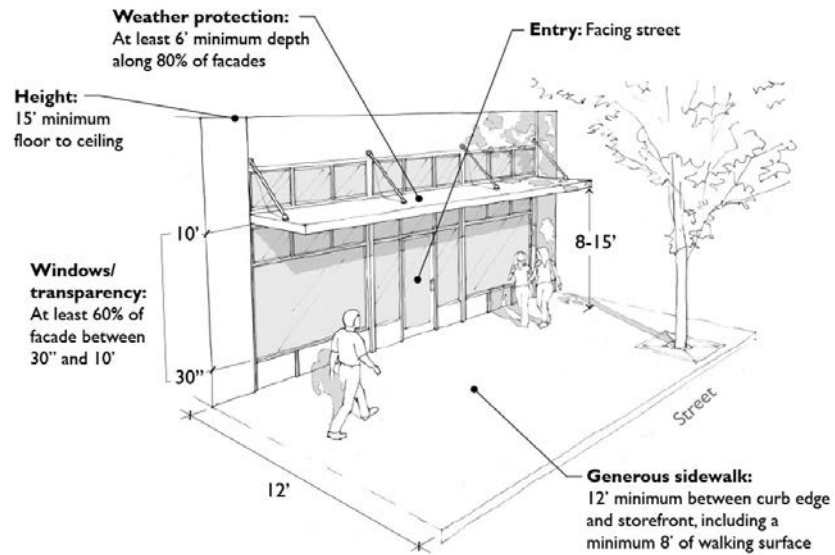


Corrected graphic:



11. In Section 20.127.150, Storefront block frontage standards, Figure 20.127.150(1) and Table 20.127.150(2) have been corrected to remove the 15 ft minimum height limit and to refer to building types for minimum height requirements as established elsewhere in code.

Original Figure:



Revised Figure:

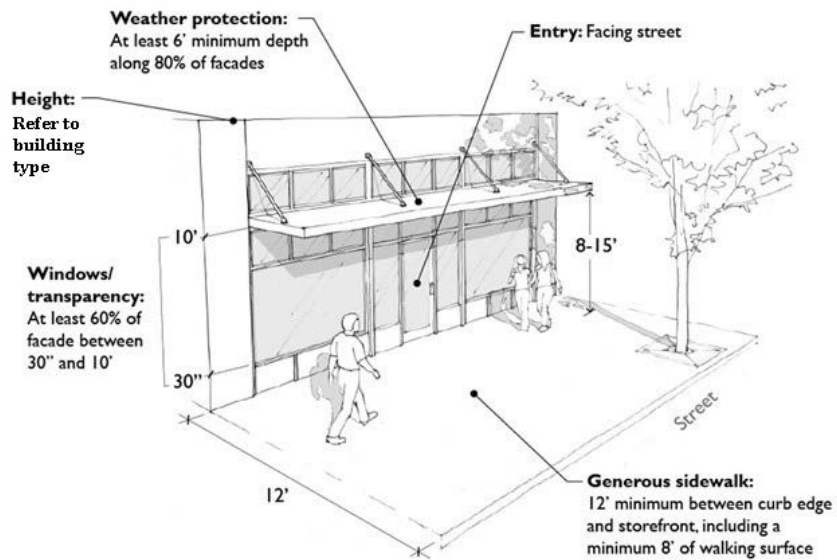


Table 20.127.150(2)
Storefront Block Frontage Standards

Element	Standards	Examples and Notes
Floor to ceiling height	15 feet minimum Refer to building type (applies to new buildings only).	

12. Removes “to which the sign applies” from a subsection of Section 20.124.340 – Vehicular Circulation and Parking. This was an erroneous insertion from another code section.

20.124.340(4) Internal Roadway Design.

(c) Drive-Through Facilities. Where allowed, drive-through facilities (e.g., drive-up windows) must comply with the following:

(i) Drive-through lanes, including waiting and holding lanes, must be buffered from the street and internal walkways by one or both of the following:

(A) A planting strip at least five feet wide with continuous plantings of evergreen shrubs and/or trees that will, at maturity, provide a continuous evergreen screen at least four feet tall.

(B) A wall at least three feet high constructed of brick, stone or siding materials that matches the principal walls of the building ~~to which the sign applies~~.

13. Revises the SEPA notice requirements for non-project actions that do not require a permit approval, such as citywide zoning designation changes, updates to development regulations, etc, where a specific site cannot be identified and posted. The City can meet its SEPA notice requirements for non-project/non-permit actions through alternative methods as provided in WAC 197-11-510, including newspaper publication, and mailing or emailing the notice to any person, group or agency who has requested notice.

20.160.190 Public notice.

(1) Whenever the city issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3), the city shall give public notice as follows:

(a) If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due;

(b) If no public notice is required for the permit or approval, the city shall give notice of the DNS or DS in accordance with the requirements of Chapter 20.25 POMC, except that for non-project

actions as defined in WAC 197-11-774, the city shall give notice of the DNS or DS in accordance with the requirements of WAC 197-11-510(1)(b) and (g).

14. Removes stream buffer width language from the Development Standards table in the City’s Critical Areas regulations. This buffer width language was inadvertently left in from the previous version of the Critical Areas Ordinance, and is inconsistent with current stream buffer requirements.

20.162.072 Development Standards.

Table 5

CATEGORY	BUFFER WIDTH STANDARD	MINIMUM BUILDING SETBACK	OTHER DEVELOPMENT STANDARDS
Streams			
Water Type			For minor new development the department may reduce the buffer width by up to 25 percent through an administrative buffer reduction process when review with the Washington State Department of Fish and Wildlife determines that conditions are sufficient to protect the affected habitat. The buffer shall not be less than 25 feet. Where applicable, refer to the development standards in this chapter. Where such features occur on a site, the more restrictive buffer or building setback will apply.
F	150 feet	15 feet beyond buffer	
Np	50 feet	15 feet beyond buffer	
Ns	50 feet	15 feet beyond buffer	
*The buffer width for all major new development shall be 100 feet, with a 15-foot minimum building setback.			
Lakes – Less Than 20 Acres (Non-Type 1 Waters of the State)			
Zoning Designation			Where applicable, refer to the development standards in this chapter. Where such features occur on a site, the more restrictive buffer or building setback will apply.
Community Facilities	None	50 feet	
Commercial, Mixed Use	None	50 feet	
Employment	None	50 feet	
Greenbelt, Residential	None	35 feet	
Wildlife Habitat Conservation Areas			

Table 5

CATEGORY	BUFFER WIDTH STANDARD	MINIMUM BUILDING SETBACK	OTHER DEVELOPMENT STANDARDS
Class I	Buffer widths and setbacks will be determined through mandatory habitat plan.		
Class II	Site-specific conditions will determine the need for the preparation of a habitat plan for buffer widths and setbacks.		

ORDINANCE NO. __ -20

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ADOPTING MINOR REVISIONS AND CORRECTIONS TO TITLE 20 UNIFIED DEVELOPMENT CODE OF THE PORT ORCHARD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on June 13, 2017, the Port Orchard City Council adopted ordinance 019-17 establishing a new unified development code (Title 20 POMC); and

WHEREAS, since the adoption of ordinance 019-17, on an annual basis the City has docketed, considered and adopted amendments to Title 20, to correct minor errors and internal conflicts and to clarify development regulations, pursuant to Chapter 20.06.020(7); and

WHEREAS, the City may adopt amendments to the City's development regulations pursuant to RCW 36.70A.106; and

WHEREAS, on September 21, 2020, the City submitted to the Department of Commerce a request for expedited review of the proposed minor revisions and corrections to Title 20, pursuant to RCW 36.70A.106(3)(b); and

WHEREAS, on September 25, 2020, the City's SEPA official issued a determination of non-significance for the proposed adoption of minor revisions and corrections to Title 20, and there have been no appeals; and

WHEREAS, on October 5, 2020, the City Council's Land Use committee reviewed the proposed minor revisions and corrections to Title 20, and directed staff to bring an ordinance to the full Council for review; and

WHEREAS, on October 6, 2020, the Planning Commission held a duly-noticed public hearing on the proposed adoption of minor revisions and corrections to Title 20, and ****public testimony was received****, and the Planning Commission recommended approval of the proposed adoption; and

WHEREAS, the City Council, after careful consideration of the recommendation from the Planning Commission, all public comment, and the Ordinance, finds that this Ordinance is consistent with the City's Comprehensive Plan and development regulations, the Growth Management Act, Chapter 36.70A RCW, and that the amendments herein are in the best interests of the residents of the City and further advance the public health, safety and

welfare; **NOW, THEREFORE,**

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. The City Council adopts all of the “Whereas” sections of this ordinance as findings in support of this ordinance.

SECTION 2. Section 20.04.060 is revised to read as follows:

20.04.060 Agenda process.

(1) The director shall prepare and administer a preliminary comprehensive plan amendment agenda listing each application and containing written comments on proposed comprehensive plan amendments. Any interested party, including applicants, citizens, and government agencies, may submit items to the comprehensive plan amendment process agenda.

(2) All comprehensive plan amendment applications must be completed and submitted to the planning department by 4:00 p.m. on January 31st of any year in order to be considered during that year’s amendment process. Completed applications that are received after the submission date will be placed on the comprehensive plan amendment agenda for the following calendar year. Applications that are incomplete will be returned to the applicant.

(3) By February 28th of each year, the director shall compile and maintain for public review a recommended final comprehensive plan amendment agenda for site-specific amendments and for city-wide amendments, including any proposed development regulations necessary to implement such amendments. The director shall base these docket recommendations on a preliminary evaluation of the need, urgency, and appropriateness of the suggested comprehensive plan amendment as well as the planning department staff and budget availability to accommodate the public review process.

(4) The director shall provide notice of the recommended final comprehensive plan amendment agenda as provided in POMC 20.04.080.

(5) The director shall provide the recommended final comprehensive plan amendment process agenda of project-specific amendments and city-wide comprehensive plan amendments, along with a brief description of each suggested plan amendment to the city council for review and consideration. The city council, after considering the development director’s recommended final

comprehensive plan amendment agenda, shall adopt the final comprehensive plan amendment agenda for the current year plan amendment cycle no later than April 30th of each year.

SECTION 3. Table 20.22.020 is revised to read as follows:

Table 20.22.020 – Permit Review Type Classifications

Type I Director Decision Judicial Appeal	Type II Director Decision HE Appeal	Type III HE Decision Judicial Appeal	Type IV City Council Decision Judicial Appeal	Type V City Council Decision GMHB Appeal
Building Permit ¹ (Subtitle X of this title) Binding Site Plan, Final (Chapter 20.94 POMC) Preliminary Plat – Minor Modifications (Chapter 20.88 POMC) Minor Land Disturbing Activity Permit (Chapter 20.140 POMC and POMC 20.150.100) Boundary Line Adjustment (Chapter 20.84 POMC) Code Interpretation (Chapter 20.10 POMC) Legal Nonconforming Permit	Short Plat, Preliminary, Alteration of Preliminary, Alteration of Final, Vacation of Final (Chapters 20.86 and 20.96 POMC) Temporary Use Permit (Chapter 20.58 POMC) Binding Site Plan – Preliminary, Alteration of Preliminary, Alteration of Final, Vacation of Final (Chapter 20.94 POMC) Stormwater Drainage Permit (Chapter 20.150 POMC) Sign Permit (if SEPA required) (Chapter 20.132 POMC) Shoreline Substantial Development	Preliminary Plat, Preliminary Plat Major Modifications, Alteration of Final, Vacation of Final (Chapters 20.88 and 20.96 POMC) Variance (Chapter 20.28 POMC) Conditional Use Permit (Chapter 20.50 POMC) Shoreline Substantial Development Permit, Conditional Use Permit, and Nonadministrative Variance (Chapter 20.164 POMC) Planned Residential Developments Final Plat – Alteration or Vacation (Chapter 20.96 POMC)	Final Plat (Chapter 20.90 POMC) Site-Specific Rezone without Comprehensive Plan Amendment (Chapter 20.42 POMC)	Development Agreement (Chapter 20.26 POMC) Comprehensive Plan Amendment – Land Use Map Amendment, Text Amendment (Chapter 20.04 POMC) Legislative Zoning Map Amendment (Chapter 20.06 POMC) POMC Title 20 Code Amendment (Chapter 20.06 POMC) Annex

Table 20.22.020 – Permit Review Type Classifications

Type I Director Decision Judicial Appeal	Type II Director Decision HE Appeal	Type III HE Decision Judicial Appeal	Type IV City Council Decision Judicial Appeal	Type V City Council Decision GMHB Appeal
(Chapter 20.54 POMC) Short Plat, Final (Chapter 20.86 POMC) Sign Permit (if SEPA not required) (Chapter 20.132 POMC) Master Sign Plan	Permit, Administrative (Chapter 20.164 POMC)	View Protection Overlay District (VPOD) Variance (POMC 20.38.860)		
Shoreline Permit Exemption (Chapter 20.164 POMC) Temporary Use Permit, Extension (Chapter 20.58 POMC)	Sign Variance (Chapter 20.132 POMC) Major Land Disturbing Activity Permit (Chapter 20.140 POMC and POMC 20.150.100) Variance – Administrative (Chapter 20.28 POMC)			

Untyped review and decision actions: preapplication meeting (Chapter 20.24 POMC), design review board review and recommendation (POMC 20.127.030), tax exemption for multifamily development (Chapter 3.48 POMC), capacity reservation certificate (Chapter 20.180 POMC), public works design variation, right-of-way permit (Chapter 12.04 POMC), street use permit (Chapter 12.24 POMC), water/sewer connection permit (Chapter 13.04 POMC).

¹ If a building permit application does not require SEPA review, no public notice is required. If a building permit application requires SEPA review, public notice shall be provided consistent with the requirements for Type II applications pursuant to Chapter 20.25 POMC.

SECTION 4. Section 20.24.110 is revised to read as follows:

20.24.110 Notice of decision.

(1) Contents. The notice of decision issued by the director for Type I and II actions, and the findings of fact and conclusions of law issued by the hearing body on Type III and IV actions shall include the following, as a minimum:

- (a) A list of all project permits included in the decision, including all permits being reviewed through the consolidated review process;
- (b) Date and description of the decision;
- (c) Statement of any threshold determination made under SEPA (Chapter 43.21C RCW);
- (d) Procedures for an administrative appeal, if any;
- (e) Statement that the affected property owners may request a change in property tax valuation notwithstanding any program of revaluation by contacting the Kitsap County assessor;
- (f) Duration of the permit approval and a statement summarizing the permit expiration and extension procedures (if any); and
- (g) Statement that the complete project permit file, including findings, conclusions, and conditions of approval, if any, is available for review. The notice shall list the place that the file is available and the name and telephone number of the city representative to contact about reviewing the file.

(2) Persons Entitled to Receive Notice of Decision. A notice of decision, or the written findings of fact and conclusions, shall be provided to the applicant, to any person who submitted written comments on the application (other than a signed petition), to any person who testified at the hearing or any person who requested in writing a copy of the decision, and to the Kitsap County assessor.

(3) For project permit applications, the city shall issue a notice of decision within 120 days of the issuance of the determination of technical completeness on the application, unless the applicant has agreed to a different deadline.

(4) In calculating the time periods for issuance of the notice of decision, the following periods shall be excluded:

(a) Any period during which the applicant has been requested by the director to correct plans, perform required studies, or provide additional required information. The period shall begin from the date the director notifies the applicant of the need for additional information, until the date the director determines that the additional information satisfies the request for information, or 14 calendar days after the date the additional information is provided to the city, whichever is earlier;

(b) If the director determines that the information submitted is insufficient, the applicant shall be informed of the particular insufficiencies and the procedures set forth in POMC 20.24.060 for calculating the exclusion period shall apply;

(c) Any period during which an environmental impact statement (EIS) is being prepared pursuant to Chapter 43.21C RCW and Chapter 20.160 POMC;

(d) Any period for consideration and issuance of a decision for administrative appeals of project permits;

(e) Any extension of time mutually agreed to in writing by the director and the applicant.

(5) The time limits established in this section do not apply to applications that:

(a) Are not project permit applications (such as amendments to the comprehensive plan or a development regulation);

(b) Requires siting approval of an essential public facility;

(c) Are substantially revised by the applicant, in which case the time period shall start from the date that a determination of completeness for the revised application is issued by the director.

SECTION 5. Section 20.25.050 is revised to read as follows:

20.25.050 Notice of public hearing.

(1) Mailed Notice of Public Hearing. The city shall use the records of the Kitsap County assessor's office as the official records for determining ownership of property. The director shall mail notice of the public hearing as follows:

(a) At least 14 calendar days before the hearing date, notice shall be mailed to:

(i) The applicant and all owners or contract purchasers of record of the property that is the subject of the application;

(ii) All property owners of record within 300 feet of the site;

(iii) Affected governmental agencies as determined by the city;

(iv) Any neighborhood or community organization whose boundaries include the property proposed for development, and which has requested notice;

(v) Any person who submitted written comments on the application (other than a signed petition);

(vi) Any person who submits a written request to receive notice; and

(vii) For appeals, the appellant and all persons who provided testimony in the original decision.

(2) Affidavit of Mailed Notice of Public Hearing. The director shall have an affidavit of mailed notice of public hearing prepared and made a part of the administrative record. The affidavit shall be a sworn statement stating the date that the notice of public hearing was mailed to the persons who must receive notice, as identified herein.

(3) Published Notice of Public Hearing. At least 10 calendar days before the hearing, notice of the hearing shall be printed in the city's official newspaper (a newspaper in general circulation in the city). The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

(4) Content of Notice of Public Hearing. The notice of public hearing shall contain:

(a) The name and address of the applicant and the applicant's representative;

(b) A description of the subject property reasonably sufficient to inform the public of its location, including, but not limited to, a vicinity location or written description, a map or postal address, and a subdivision lot and block designation, but need not include a legal description. A legal description alone does not meet this requirement;

(c) The date, time, and place of the public hearing;

(d) The nature of the application and the proposed land use or uses that could be authorized for the property;

(e) A statement that all interested persons may appear and provide testimony;

(f) The sections of the code that are pertinent to the hearing procedure, including, but not limited to, the codes describing the applicable criteria and development standards that apply to the application;

(g) The threshold determination made under SEPA (WAC 197-11-330), if any;

(h) A statement describing when the information in the administrative record may be examined by the public and when and how written comments addressing findings required for a decision by the decision-maker(s) may be admitted;

(i) The name of a city representative to contact and the telephone number where additional information may be obtained;

(j) A statement explaining that a copy of the application, all documents relied upon by the applicant, and a list of the applicable criteria for the application are available for inspection by the public at no cost and that copies will be provided at the requestor's cost; and

(k) A statement explaining that a copy of the staff report will be available for inspection at no cost at least seven calendar days prior to the hearing and that copies will be provided at the requestor's cost.

(5) Final notice of decision for project permits not requiring a public hearing shall be mailed to the applicant in accordance with POMC 20.24.100.

SECTION 6. Chapter 20.37 is revised to read as follows:

Chapter 20.37

Public and Community Space Districts

Sections:

20.37.010 Civic and institutional (CI).

20.37.020 Parks and recreation (PR).

20.37.030 Public facilities (PF).

20.37.010 Civic and institutional (CI).

(1) Intent. The civic and institutional district is intended to protect civic uses that serve the surrounding neighborhoods or produce intense civic activities that do not readily assimilate into other zoning districts. Activities may include, but are not limited to, religious facilities, fraternal organizations, and schools. The civic and institutional district intends to provide for compliance with the Religious Land Use and Institutionalized Persons Act (RLUIPA). The civic and institutional district may be applied in any area of the city regardless of comprehensive plan designation.

(2) Building Types Allowed. Building types are not applicable in the civic and institutional district.



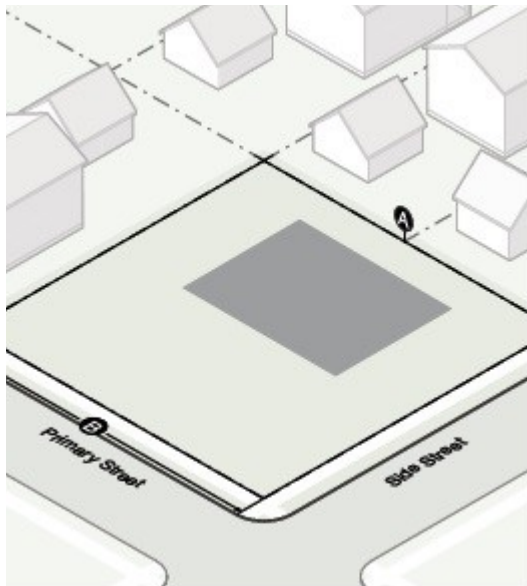
Civic and Institutional Buildings

(3) Lot Dimensions.

(a) Minimum lot size: 7,000 square feet.

(b) Minimum lot width: 70 feet.

(4) Maximum hard surface coverage is 70 percent.



Civic and Institutional Lot Dimensions

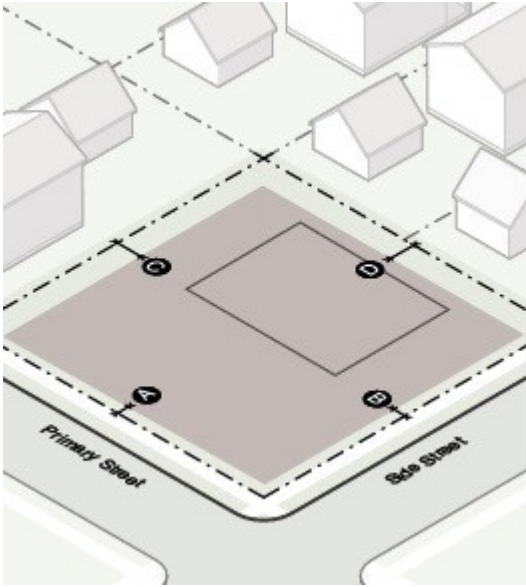
(5) Principal Building Setbacks.

(a) Primary street: 15 feet minimum (may be reduced on designated storefront and mixed designation streets, see Chapter 20.127 POMC).

(b) Side street: 10 feet minimum (may be reduced on designated storefront and mixed designation streets, see Chapter 20.127 POMC).

(c) Side interior: 10 feet minimum.

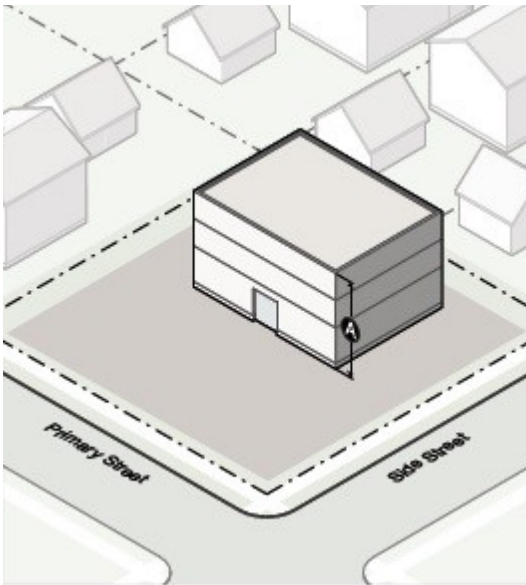
(d) Rear: 10 feet minimum.



Civic and Institutional Building Placement

(6) Building Height.

(a) All buildings and structures: three stories/55 feet maximum.



Civic and Institutional Building Height

20.37.020 Parks and recreation (PR).

(1) Intent. The parks and recreation district is intended to create, preserve and enhance park land to meet the active and recreational needs of residents. The parks and recreation district is intended to provide for both improved and unimproved park land. Activities may include, but are not limited to, structures or other active, player-oriented facilities such as playgrounds, recreational fields, ballfields, sport courts, dog parks, and associated accessory facilities such as parking areas and restrooms. The parks and recreation district is also intended to accommodate buildings of a public nature such as community and recreation centers. The parks and recreation district may be applied in any area of the city regardless of comprehensive plan designation.

(2) Building Types Allowed. Building types are not applicable in the parks and recreation district.

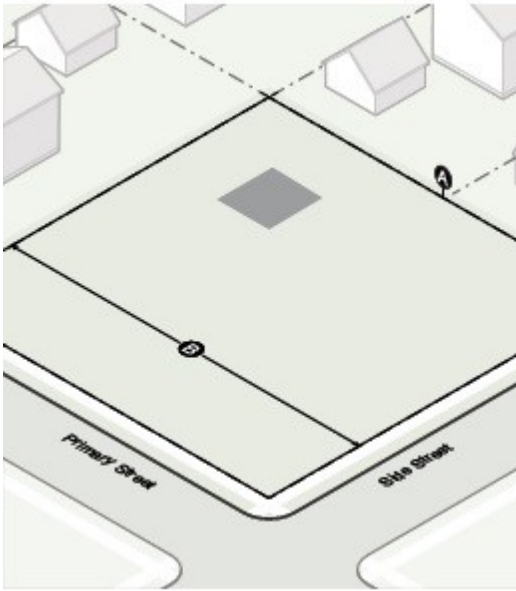


Parks and Recreation Buildings

(3) Lot Dimensions.

(a) There shall be no minimum lot size within the parks and recreation district.

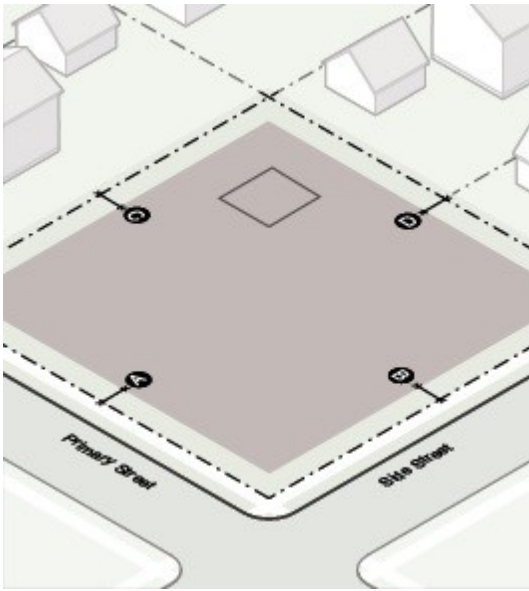
(b) There shall be no minimum lot width within the parks and recreation district.



Parks and Recreation Lot Dimensions

(4) Building Setbacks.

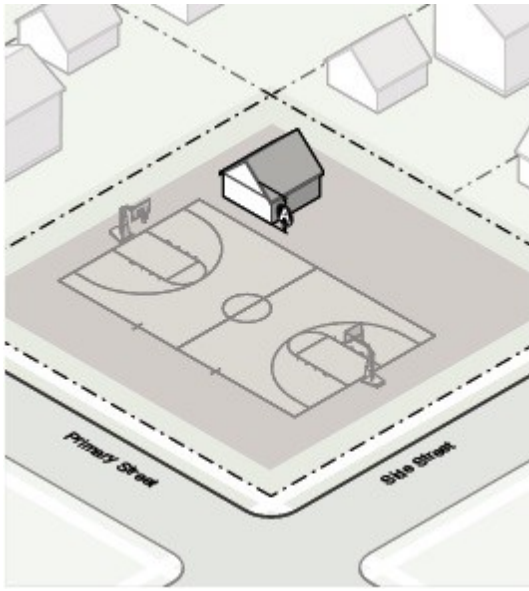
- (a) Primary street: 10 feet minimum.
- (b) Side street: 10 feet minimum.
- (c) Side interior: 10 feet minimum.
- (d) Rear: 10 feet minimum.



Parks and Recreation Building Placement

(5) Building Height.

(a) All buildings and structures: 35 feet maximum.



Parks and Recreation Building Height

20.37.030 Public facilities (PF).

(1) Intent. The public facilities district is intended to provide for public facility uses that serve the city and which may not readily assimilate into other zoning districts. The public facilities district may be applied in any area of the city regardless of comprehensive plan designation. The public facilities district intends to accommodate buildings of a public nature such as police, fire or EMS stations and government offices.

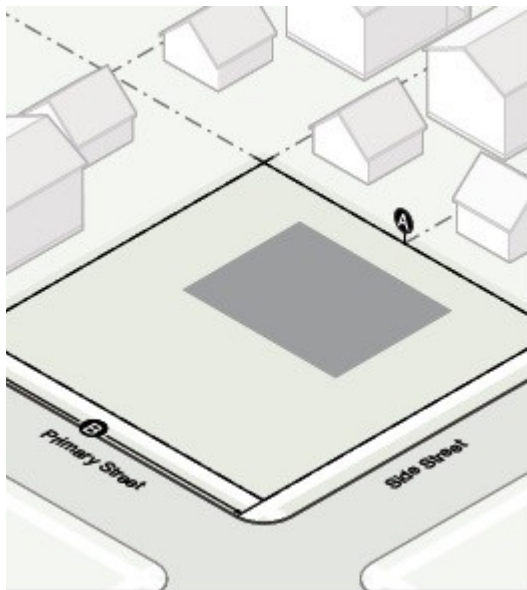
(2) Building Types Allowed. Building types are not applicable in the public facilities district.

(3) Lot Dimensions.

(a) Minimum lot size: 7,000 square feet.

(b) Minimum lot width: 70 feet.

(4) Maximum hard surface coverage is 95 percent.



Civic and Institutional Lot Dimensions

(5) Principal Building Setbacks (from Ground Level up to 40 Feet).

(a) Primary street: 10 feet minimum (may be reduced on designated storefront and mixed designation streets, see Chapter 20.127 POMC).

(b) Side street: 10 feet minimum (may be reduced on designated storefront and mixed designation streets, see Chapter 20.127 POMC).

(c) Side Interior.

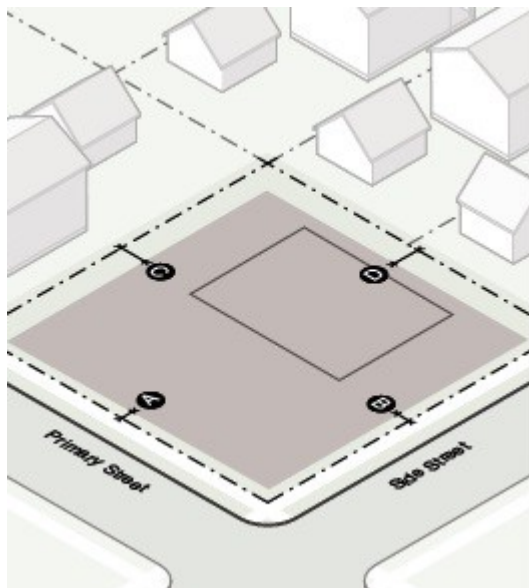
(i) Side interior abutting nonresidential: five feet minimum.

(ii) Side interior abutting residential: 20 feet minimum.

(d) Rear.

(i) Abutting nonresidential: five feet minimum.

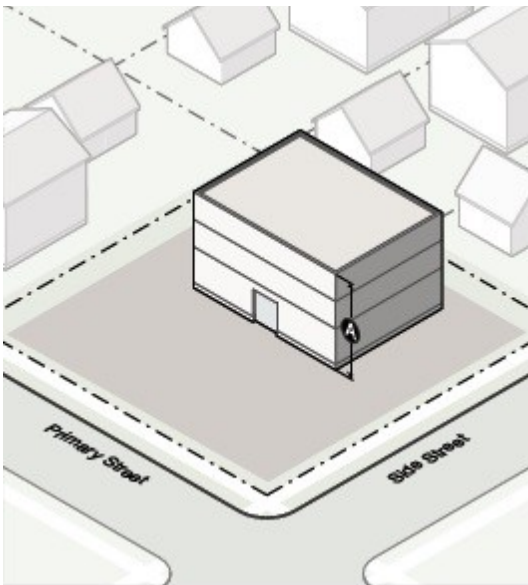
(ii) Rear abutting residential: 20 feet minimum.



Civic and Institutional Building Placement

(6) Building Height.

(a) All buildings and structures: five stories/85 feet maximum (it is recognized that public buildings may have higher per story heights than other building types hence the 85-foot height limit).



Civic and Institutional Building Height

SECTION 7. Section 20.39.380 is revised to read as follows:

20.39.380 Business services.

(1) Defined. A facility providing professional office and commercial retail businesses with services including maintenance, repair and service, testing, and rental, such as business equipment repair services, document storage, document destruction, and soils and materials testing laboratories. This use excludes maintenance, repair, and service uses that are industrial in nature or that include outdoor storage of equipment or supplies. Examples include but are not limited to: Uses that include maintenance, repair and service such as copiers or computers are allowed. Uses that include maintenance, repair and service related to plumbing, landscaping, commercial kitchens or other industrial type uses are not allowed.

SECTION 8. Section 20.54.090 is revised to read as follows:

POMC 20.54.090 Administration of nonconforming permits.

- (1) The following steps shall be followed in the processing of nonconforming permits:
 - (a) Determination of complete application (POMC 20.24.060);
 - (b) Determination of consistency (POMC 20.24.100); and
 - (c) Notice of decision by director (POMC 20.24.110).

SECTION 9. Section 20.100.060 is revised to read as follows:

20.100.060 Street length.

1) Length of a Block or Street Segment. The maximum length of any block or street segment (including a looped street) shall be 600 feet along arterial streets. Block faces shall not exceed 800 feet along other streets and the full perimeter of a block shall not exceed 2,400 feet except where topographic or critical areas features on parcels of one-half acre or larger would justify an exception from this requirement. Cul-de-sac streets shall adhere to Table 20.100.070(1) or other requirements herein. Measurements shall be measured along the centerline of the street from the centerline or center point of one intersection to the centerline or center point of the next intersection. For the purposes of measurement, either a full four-way intersection or a "T" three-way intersection shall be considered an intersection.

(2) Where significant topographic features, or critical areas features, are present and will be retained on parcels of one-half acre or larger in size that are proposed for development, if one of the three options provided below are implemented within each block that exceeds 800 feet in face length or 2,400 feet in perimeter length, the street length standards in this section shall be considered met:

- (a) Blocks containing retention or detention ponds;
- (b) Blocks containing parks; or
- (c) Development where the proposed development abuts the rear of an existing development and no rights-of-way have been provided.

(3) Maximum Length of a Cul-De-Sac Street.

- (a) No cul-de-sac served by one access point in any single-family, multiple-family, industrial, or commercial subdivision shall exceed 450 feet in length or the length as shown in Table 20.100.070(1), whichever is less.

(b) No cul-de-sac in any single-family subdivision district shall be designed to serve more than 25 single-family dwelling units, unless an exception is granted by the hearing examiner to the maximum length, in which case the maximum number of dwelling units shall be increased in the same percentage as the maximum length has been increased.

(c) For purposes of this subsection, cul-de-sac length shall be measured along the centerline of the cul-de-sac from a point beginning at the intersection of the cul-de-sac street with the centerline of the street from which it extends to the center of the turnaround at the end of such cul-de-sac. (Also see POMC 20.100.070 for cul-de-sac requirements.) For the purposes of measurement, either a full four-way intersection or a "T" three-way intersection shall be considered an intersection.

(d) An exception to the maximum cul-de-sac lengths may be granted by the decision-making authority to develop a parcel:

(i) With significant topographic constraints such as those documented in a geological report or where the resulting roadway would exceed a 12 percent grade;

(ii) With critical areas requiring protection on or adjacent to the parcel;

(iii) That is effectively landlocked with no other alternative than a cul-de-sac exceeding 450 feet;

(iv) Is in a proposed subdivision that has such a unique configuration that the only way to serve the area in question is with a cul-de-sac exceeding 450 feet. Such exception shall not be granted if the length of the cul-de-sac can be reduced by connection to an adjacent and/or parallel street. The desire to gain additional lots from the cul-de-sac exception by itself is not reason enough to grant such exception to the maximum length;

(v) Additional modifications may be required by the decision-making authority upon recommendation by the fire authority including intermediate turnarounds (eyebrows) to accommodate emergency vehicles being provided at a maximum distance of 300 feet;

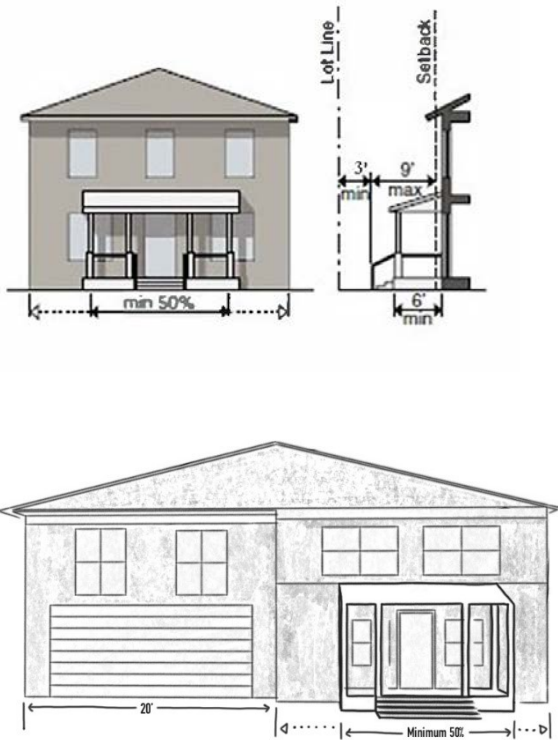
(vi) Building construction within the area of the cul-de-sac beyond the 450 feet distance shall be fire sprinklered and a note shall be added to the recording plat and the subdivision improvement plans indicating that buildings are required to be sprinklered within the subdivision, and which lot numbers have such requirement.

(4) Cross-Reference. Also see POMC 20.100.070 for cul-de-sac requirements.

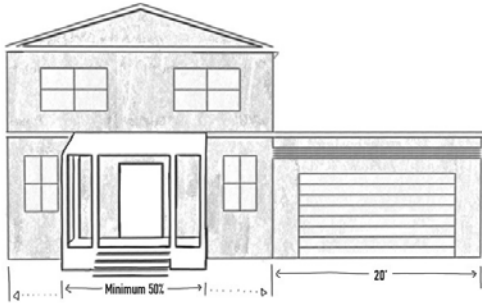
SECTION 10. Section 20.122.060 is revised to read as follows:

20.122.060 Porch.

A raised structure attached to a building, forming a covered entrance to a doorway.



The 50 percent porch width shall be measured to include the habitable ground floor portion of the detached house only.



The 50 percent porch width shall be measured to include the habitable ground floor portion of the detached house only.

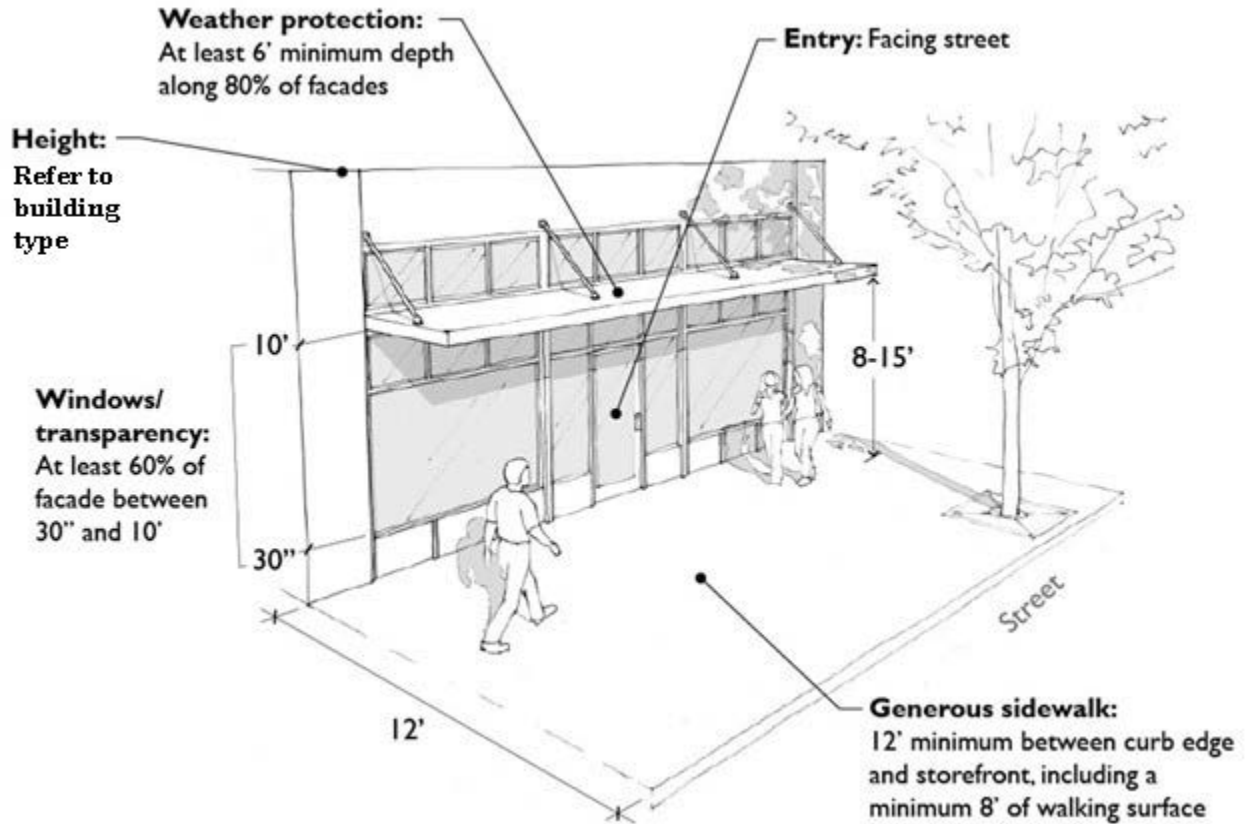
- (1) A front porch must be at least six feet deep (not including the steps). A portion of the porch may be less than six feet deep; provided, that the front door is recessed by at least six feet.
- (2) A front porch must be contiguous, with a width not less than 50 percent of the building facade from which it projects. For the purposes of this section, the front building facade shall not include that portion of the house containing an attached side-by-side garage.
- (3) A front porch must be roofed and may be screened, but cannot be fully enclosed.
- (4) A front porch may extend up to nine feet, including the steps, into a required front setback; provided, that such extension is at least three feet from the vertical plane of any lot line.
- (5) A front porch may not encroach into the public right-of-way.

SECTION 11. Section 20.127.150 is revised to read as follows:

20.127.150 Storefront block frontage standards.

- (1) Description/Purpose. Storefront block frontages are the most vibrant and active shopping and dining areas within the city and serve the purpose of attracting pedestrians to enliven the streetscape. Blocks designated as storefront blocks include continuous storefronts placed along the sidewalk edge with small scale shops and/or frequent business entries.

Figure 20.127.150(1)



(2) Standards. All development as set forth in POMC 20.127.130 on sites containing a storefront block frontage designation must comply with the following standards (on applicable block frontages):

Table 20.127.150(2)
Storefront Block Frontage Standards

Element	Standards	Examples and Notes
Ground floor		
Land use	Nonresidential uses, except for lobbies associated with residential or hotel/motel uses on upper floors.	

Table 20.127.150(2)
Storefront Block Frontage Standards


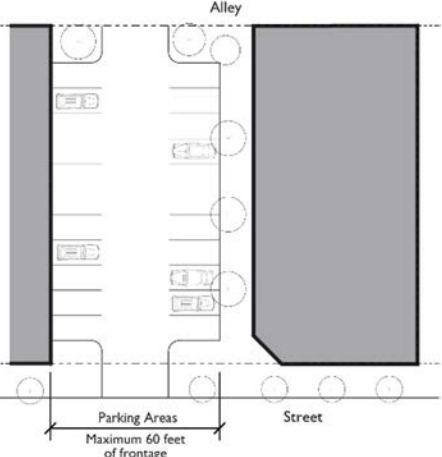
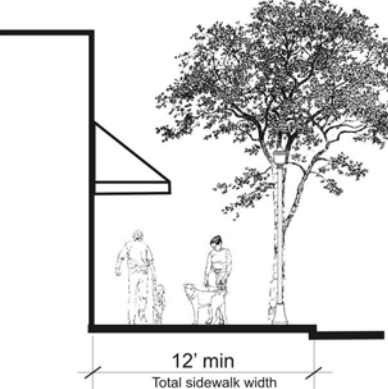
Element	Standards	Examples and Notes
Floor to ceiling height	Refer to building type (applies to new buildings only).	
Retail space depth	20 feet minimum (applies to new buildings only). ⇐	
Building placement	Required at front property line/back edge of sidewalk. Additional setbacks are allowed for widened sidewalks, pedestrian-oriented space (POMC 20.127.350(4)), or where additional future right-of-way acquisition is planned by the city.	
Building entrances	Must face the street. For corner buildings, entrances may face the street corner.	
Facade transparency	60 percent minimum. ⇐	
Weather protection	Weather protection with 8 to 15 feet vertical clearance at least 6 feet in minimum depth along at least 80 percent of facade. ⇐ Retractable awnings may be used to meet these requirements. Weather protection must not obstruct utility poles or street trees.	Also see POMC 20.127.140 for additional clarification on transparency standards. For downtown properties on Bay Street and adjacent to the city-owned marquee, new development may utilize the existing marquee (subject to approval by the public works director) or new independent weather protection to meet this provision.

Table 20.127.150(2)
Storefront Block Frontage Standards

Element	Standards	Examples and Notes
	Weather protection shall comply with WSDOT standards for setback from the face of the curb and may have the effect of reducing the minimum weather protection depth.	
Parking location Also see Chapter 20.124 POMC for related parking requirements	New surface or ground level parking areas must be placed to the side or rear of structures and are limited to 60 feet of street frontage. ⇐ Provide a 6-foot minimum buffer of landscaping between the street and off-street parking areas meeting the standards of Chapter 20.128 POMC. ⇐	 <p>The diagram illustrates a building footprint with an alley to its left and a street to its right. Parking areas are shown to the left of the building, within the alley. A dimension line indicates that the parking areas have a maximum frontage of 60 feet. A 6-foot buffer zone is shown between the street and the parking areas. The building footprint is shown with a setback from the street.</p>
Sidewalk width	12 feet minimum between curb edge and storefront, including a minimum walking surface width of 8 feet and a clear/buffer zone with street trees. ⇐	 <p>The diagram shows a cross-section of a sidewalk. A tree is planted on the sidewalk. A person is walking on the sidewalk. A dimension line indicates that the total sidewalk width is 12 feet minimum. The sidewalk is shown with a curb edge and a storefront.</p>

(3) Departure Criteria. Departures from the above standards that feature the ⇐ symbol will be considered by the reviewing authority (the director or hearing examiner, as appropriate),

provided the alternative proposal meets the purpose of the standards, plus the following criteria:

(a) Retail Space Depth. Reduced depths will be considered where the applicant can successfully demonstrate the proposed alternative design and configuration of the space is viable for a variety of permitted retail uses;

(b) Facade Transparency. The proposed alternative design treatment of facade area between ground level windows provides visual interest to the pedestrian and mitigates impacts of any blank wall areas. No less than 40 percent of the facade between 30 inches and 10 feet above the sidewalk may be approved with a departure;

(c) Weather Protection. Other proposed alternative design treatments must provide equivalent weather protection benefits;

(d) Parking Location. There must be an acceptable tradeoff in terms of the amount and quality of storefront area that is integrated with the development and the applicable parking location departure. Plus, the alternative must include design features to successfully mitigate the visual impact of additional parking areas along designated storefront streets; and

(e) Sidewalk Width. Alternative designs may be considered where topographical challenges exist. Alternative designs must be able to accommodate safe and comfortable pedestrian traffic anticipated for full block development.

SECTION 12: Section 20.127.340 is revised to read as follows:

20.127.340 Vehicular circulation and parking.

The standards herein supplement the provisions of public works standards and Chapter 20.124 POMC. Where there is a conflict, the provisions herein apply, except that the public works director may override this requirement and apply the public works standard for a driveway if the public works director finds that a failure to apply the public works standards will result in a threat to public safety.

(1) Purpose.

(a) To create a safe, convenient, and efficient network for vehicle circulation and parking.

(b) To enhance the visual character of interior access roads.

(c) To minimize conflicts with pedestrian circulation and activity.

(2) Driveway Provisions.

(a) Driveways must comply with the public works standards. Where there is a conflict between the driveway provisions in this chapter and those in the public works standards, the driveway provisions in this chapter apply, except that the public works director may override this requirement and apply the public works standard for a driveway if the public works director finds that a failure to apply the public works standards will result in a threat to public safety.

(b) Drive aisles must meet the standards set forth in POMC 20.124.100, Off-street parking design standards.

(c) Minimize parking lot entrances, drive aisles, and other vehicle access routes onto private property from a public right-of-way through the following means:

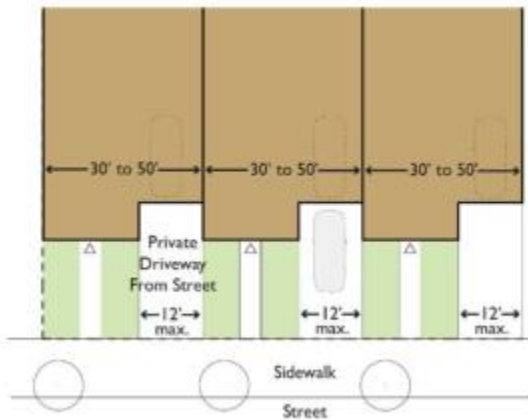
(i) Driveway lanes crossing a public sidewalk must be no wider than the minimum required per entry or exit lane. The city may impose additional restrictions to parking lot and vehicle access points to reduce impacts to public safety, pedestrian movement, on-street vehicle circulation, and visual qualities.

(ii) Minimize the number of driveway entrances and comply with the public works standards for driveway entrances.

(iii) The reviewing authority may require joint drive aisles serving adjacent developments when joint access is physically and legally available.

(iv) Minimize conflicts between entries and vehicle parking and maneuvering areas.

(v) At street corner sites, drive aisles must be located on the lowest classified roadway and as close as practical to the property line most distant from the intersection, unless the reviewing authority finds there is a compelling reason to the contrary.



The left image shows an acceptable front-loaded townhouse example in plan view, where individual units are at least 30 feet wide. The below example does not meet that requirement.



(d) Port Orchard Boulevard Access. Access from Port Orchard Boulevard except for areas with a designated block frontage as shown in the community design framework maps in POMC 20.127.130 shall be prohibited.

(3) Intersite Connectivity. The provision of through vehicle access connections between commercially or nonresidentially zoned properties is required except where the reviewing authority determines it is infeasible or undesirable (e.g., where it is determined that such a vehicle connection would impact safe pedestrian movement). See Article II of this chapter for specific block frontage standards. Vehicle access may be in the form of a dedicated or private alley, connected or shared parking lots, shared drive aisles, or similar features.

(4) Internal Roadway Design.

(a) To increase the function and appearance of internal roadways on large sites (greater than two acres), street trees and sidewalks must be provided on all internal access roadways, excepting access roads designed solely for the purpose of service (e.g., waste pick-up) and loading.

(b) In some instances where traffic speed and volume are low, the reviewing authority may approve a street where vehicle, bicycle and pedestrian movement are mixed such as in a “woonerf” or “shared street.” Woonerf streets must feature traffic calming and safety measures as well as landscape and amenity features as determined by the reviewing authority.

Figure 20.127.340(4)
Good Internal Roadway Examples



The examples above include angled parking and planter strips with street trees. Pedestrian-scaled lighting also contributes to the character in the upper right image.



The above left image illustrates a thoroughfare lane with a row of street trees. A sidewalk is included on one side of the street to provide a strategic connection between businesses. The right image illustrates the curbless “woonerf” design where travel speeds are low and lanes are shared between pedestrians and vehicles.

(c) Drive-Through Facilities. Where allowed, drive-through facilities (e.g., drive-up windows) must comply with the following:

(i) Drive-through lanes, including waiting and holding lanes, must be buffered from the street and internal walkways by one or both of the following:

(A) A planting strip at least five feet wide with continuous plantings of evergreen shrubs and/or trees that will, at maturity, provide a continuous evergreen screen at least four feet tall.

(B) A wall at least three feet high constructed of brick, stone or siding materials that matches the principal walls of the building.

Departure: Alternative screening schemes may be approved provided they include both the wall and a substantial vegetative screen. The landscaping must comply with Chapter 20.128 POMC.

(ii) Drive-through lanes must not restrict pedestrian access between a public sidewalk and on-site buildings. Walkways must not be located within required stacking space as set forth in the public works standards.

(iii) This section contains standards for drive-through lanes and facilities. Signs associated with drive-through lanes are regulated under POMC 20.132.150(7).

SECTION 13: Section 20.160.190 is revised to read as follows:

20.160.190 Public notice.

(1) Whenever the city issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3), the city shall give public notice as follows:

(a) If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due;

(b) If no public notice is required for the permit or approval, the city shall give notice of the DNS or DS in accordance with the requirements of Chapter 20.25 POMC, except that for non-project actions as defined in WAC 197-11-774, the city shall give notice of the DNS or DS in accordance with the requirements of WAC 197-11-510(1)(b) and (g).

(2) When the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

(3) Whenever the city issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

(a) Indicating the availability of the DEIS in any public notice required for a nonexempt license; and in accordance with the requirements of Chapter 20.25 POMC.

(4) Whenever possible, the city shall integrate the public notice required under this section with existing notice procedures for the city's nonexempt permit(s) or approval(s) required for the proposal.

(5) The city may require an applicant to complete the public notice requirements for the applicant's proposal at his/her expense.

SECTION 14: Section 20.162.072 is revised to read as follows:

20.162.072 Development standards.

Those regulated uses identified below within designated fish and wildlife habitat conservation areas shall comply with the performance standards outlined in this section. Potential impacts to fish and wildlife habitat conservation areas or their buffers shall be appropriately identified and mitigated consistent with Article XII of this chapter.

(1) **Buffers and Building Setbacks.** Buffers or setbacks shall be maintained along the perimeter of fish and wildlife habitat conservation areas, as listed in Table 5. Distances shall be measured from the ordinary high water mark (OHM) or from the top of the bank where the OHM cannot be identified. Buffers shall be retained in their natural condition. It is acceptable, however, to enhance the buffer by planting indigenous vegetation, as approved by the department. Alteration of buffer areas may be allowed for water-dependent and water-related activities subject to the city's shoreline master program (Chapter 20.164 POMC), and for development authorized by POMC 20.162.034, Exceptions, POMC 20.162.032, Exemptions, POMC 20.162.038, Nonconforming – Existing structures, or POMC 20.162.036, Variances. The buffer width shall be increased to include streamside wetlands which provide overflow storage for stormwaters, feed water back to the stream during low flows or provide shelter and food for fish. In braided channels, the ordinary high water mark or top of bank shall be defined so as to include the entire stream feature. Refuse shall not be placed in buffers.

Table 5

CATEGORY	BUFFER WIDTH STANDARD	MINIMUM BUILDING SETBACK	OTHER DEVELOPMENT STANDARDS
Streams			
Water Type			For minor new development the department may reduce the buffer width by up to 25 percent through an administrative buffer reduction process when review with the Washington State Department of Fish and Wildlife determines that conditions are sufficient to protect the affected habitat. The buffer shall not be less than 25 feet. Where applicable, refer to the development standards in this chapter. Where such features occur on a site, the more restrictive buffer or building setback will apply.
F	150 feet	15 feet beyond buffer	
Np	50 feet	15 feet beyond buffer	
Ns	50 feet	15 feet beyond buffer	
Lakes – Less Than 20 Acres (Non-Type 1 Waters of the State)			
Zoning Designation			Where applicable, refer to the development standards in this chapter. Where such features occur on a site, the more restrictive buffer or building setback will apply.
Community Facilities	None	50 feet	
Commercial, Mixed Use	None	50 feet	
Employment	None	50 feet	
Greenbelt, Residential	None	35 feet	
Wildlife Habitat Conservation Areas			
Class I	Buffer widths and setbacks will be determined through mandatory habitat plan.		
Class II	Site-specific conditions will determine the need for the preparation of a habitat plan for buffer widths and setbacks.		

SECTION 15. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 16. Corrections. Upon the approval of the city attorney, the city clerk and/or code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

SECTION 17. Effective Date. This ordinance shall be published in the official newspaper of the city and shall take full force and effect five (5) days after the date of publication. A summary of this ordinance in the form of the ordinance title may be published in lieu of publishing the ordinance in its entirety.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this 27th day of October 2020.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

Sponsored by:

Charlotte A. Archer, City Attorney

Scott Diener, Councilmember

PUBLISHED:

EFFECTIVE DATE:



City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.: Business Item 7D
Subject: Approval of an Interlocal Agreement with the
South Kitsap School District for the School
Resource Officer Program

Meeting Date: October 27, 2020
Prepared by: M. Brown
Chief of Police
Atty Routing No.: N/A
Atty Review Date: N/A

Summary: This is an updated Interlocal Agreement between the City of Port Orchard and the South Kitsap School District to maintain the school resource officer program for the 2020-2021 school year. The school district is currently on a remote learning plan and has requested the school resource officer remain dedicated to the school for twenty hours per week. When the school district goes to a hybrid or full-time session, the school resource officer will be dedicated to the school for forty hours per week.

This ILA covers continued service to the South Kitsap School District.

Recommendation: Staff recommends the Council approve the ILA between the South Kitsap School District and the City of Port Orchard for the 2020-2021 school year.

Relationship to Comprehensive Plan: N/A

Motion for consideration: I move to authorize the Mayor to sign the ILA between the South Kitsap School District and the City of Port Orchard for the 2020-2021 school year.

Fiscal Impact: Total initial funding from SKSD to the City of Port Orchard will be \$41,718.88. Should the district cease the remote phase of the school year, and the SRO becomes assigned full-time, the parties will pro-rate the remaining fees associated with the assignment.

Alternatives: Not approve the ILA and provide additional guidance.

Attachments: 2020-2021 ILA between the South Kitsap School District and City of Port Orchard and the Port Orchard Police Department for the School Resource Officer Program.

**INTERLOCAL AGREEMENT BETWEEN
SOUTH KITSAP SCHOOL DISTRICT
and
CITY OF PORT ORCHARD AND THE PORT
ORCHARD POLICE DEPARTMENT
for
THE SCHOOL RESOURCE OFFICER PROGRAM**

THIS AGREEMENT is made and entered into this 4th day of September, 2020 by and between the South Kitsap School District, hereinafter referred to as SKSD, and the City of Port Orchard by and through the Port Orchard Police Department, hereinafter referred to as POPD.

Whereas, POPD is the law enforcement agency principally responsible to provide police services to the SKSD schools located within the City of Port Orchard and entering into this agreement will assist in providing additional law enforcement services to those schools;

Whereas, SKSD provides for the partnership between SKSD and POPD, to provide School Resource Officers on SKSD campuses;

Whereas, as authorized by chapter 39.34 RCW, SKSD and POPD are entering into an interlocal agreement for 2020/2021;

NOW, THEREFORE, in consideration of the mutual representations and covenants set forth herein, the parties hereby agree as follows:

SECTION 1. Purpose

The purpose of this Agreement is to increase the security and school-building safety of South Kitsap High School and Cedar Heights Middle School and Sidney Glen Elementary School through funding necessary to permit assignment by POPD of a full-time experienced commissioned POPD officer on a full-time basis to SKSD during the regular school year. However, the officer will only be half-time during the time that the school district is educating students remotely.

SECTION 2. Duties of the SRO

POPD will assign a uniformed officer to South Kitsap High School, Cedar Heights Middle School and Sidney Glen Elementary School, hereinafter referred to as a School Resource Officer or SRO, to promote safety and serve as a positive resource to South Kitsap High School, Cedar Heights Middle School, Sidney Glen Elementary School and surrounding neighborhoods. The duties and responsibilities of the SRO include, but are not limited to, the following:

Patrol South Kitsap High School, Cedar Heights Middle School, Sidney Glen Elementary School and surrounding areas in order to identify, investigate, deter and prevent crimes, especially those incidents involving weapons, youth violence, harassment, gang involvement, drugs or similar activities;

Act as a liaison between the SKSD administrators and POPD;

Wear the official police uniform, including a firearm, with civilian attire being worn on such occasions as may be mutually agreed upon by the school district, the SRO, and his immediate

supervisor;

Establish and maintain a working rapport with the school administration and staff;

Provide school-based security during the regular school day and assist in the promotion of a safe and orderly environment at SKSD. (The SRO, however, shall not act as a disciplinarian. If the SRO is confronted with a non-criminal violation such as a school rule violation, the SRO may refer the matter to school administration);

Assist in mediating disputes on campuses, including working with students to help them solve disputes in a non-violent manner;

Act as a resource person in the area of law-enforcement education at the request of staff, speaking to classes on the law, search and seizure, drugs, motor vehicle laws, etc;

Maintain an activity log, to include all SRO activities such as meetings, conferences, extra-curricular activities, events, arrests, investigations, and training;

Provide a monthly report to POPD and the SKSD; and

Perform other duties as mutually agreed upon by the SKSD, the SRO, and the SRO's immediate supervisor provided that the duty is legitimately and reasonably related to the SRO program as described in this Agreement and is consistent with Federal and State law; local ordinances; and POPD and SKSD policies, procedures, rules and regulations.

SECTION 3. Office Space, Supplies and Parking Space

SKSD shall provide the following for the SRO's use:

A private space, with sufficient lighting and heat, within South Kitsap High School and Cedar Heights Middle School to be used by the SRO for general office purposes;

Necessary office supplies, including but not limited to, a locking cabinet, a desk, and a phone; and a police parking space.

SECTION 4. Supervision of the SRO

The SRO shall remain an employee of POPD and shall not be an employee of SKSD. The SRO shall remain responsive to the supervision and chain of command of POPD. POPD shall remain solely responsible for the SRO's hiring, training, discipline, or dismissal. Any allegation of improper conduct shall be referred to the SRO's immediate supervisor, Deputy Chief, or directly to the Chief of Police.

SECTION 5. Scheduling of the SRO

POPD agrees to assign an SRO on a Half-time basis to SKSD during the remote phase of the school year (does not include summer school term). Half-time basis shall mean an assignment of four hours per day during regularly scheduled school hours less any scheduled vacation time, sick time, training time, court time, or any other police-related activity, including any emergencies such as civil disasters. The SRO will not take vacation time while school is in session unless approved by POPD. On scheduled workdays when school is not in session, the SRO will work as assigned by

POPD. When SKSD returns to a hybrid model or regular model of instruction at a secondary school (i.e., Cedar Heights and/or South Kitsap High School) the SRO will return to full time. Notice of this change will be provided to the POPD no later than 30 days prior to the request. During days when school is in session, the SRO will not be assigned by the City to duties other than those set forth herein, except for required Departmental training or in response to emergency situations, as determined by the sole discretion of the Chief of Police or his designee, necessitating the response of additional police personnel.

SECTION 6. Overtime Hours

The SRO may not work overtime hours without the prior approval of POPD. Overtime work will be paid in accordance with POPD policies.

SECTION 7. Selection of SRO

POPD will select the SRO after consultation with SKSD. Factors which POPD shall consider during the selection process include the following:

The SRO must be capable of conveying a positive police presence on the school, campus and in the community.

The SRO must have the ability to be a positive resource to the school, staff, students, parents, and residents in the surrounding neighborhood.

The SRO must agree to attend any necessary training schools or classes that are needed to increase his/her skills for the position.

SRO assignment vacancies will be filled in accordance with this Section and within department policies and collective bargaining agreements.

SECTION 8. Removal of SRO

In the event the SKSD administration has cause to believe that the particular SRO is not effectively performing in accordance with this Agreement, the Superintendent may recommend in writing to POPD that the SRO be removed from the program. Within ten business days after receiving the recommendations, the Superintendent or his/her designate will meet with the Chief of Police or his/her designate to discuss the recommendation. If the problem cannot be resolved in the opinion of both the Superintendent and the Chief of Police, or their designees, then the SRO shall be removed from the program and a replacement SRO will be selected in accordance with this Agreement. The selection process shall not exceed 30 days.

SECTION 9. Funding

In consideration of POPD's assignment of the SRO to SKSD, SKSD agrees to pay the sum of **\$41,718.88** (Forty-one thousand seven hundred eighteen dollars and eighty-eight cents), provided the amount owed shall be prorated while the SRO is in half-time status under this agreement. The parties understand and acknowledge that the sums provided under this agreement do not completely fund the position of a full-time officer and the POPD reserves the right to assign the officer to other police functions in the event of an emergent need, including but not limited to civil unrest or natural emergency. By way of illustration and not limitation, the SRO could be called out in order to deal with a developing police emergency in Kitsap County, returning to South Kitsap Schools at the conclusion of the emergency situation.

SECTION 10. No Third-Party Rights

The establishment of this program and the execution of this Agreement shall create no third-party rights. In particular, the parties agree by establishing this program, that no past practice has been created with respect to duty assignment, the maintenance of the program, or to otherwise limit the management discretion of POPD under its collective bargaining agreement. This Agreement further shall not create any third-party rights to the officer assigned or any other officer of the Port Orchard Police Department, to the citizens of Port Orchard, or to any other person.

SECTION 11. Insurance and Indemnification

The parties shall separately maintain their own appropriate liability and casualty insurance policies as they, in their sole discretion, deem appropriate. The parties further agree that no indemnification shall be provided for except as specifically set forth below and that the respective liability of the parties to each other and to third persons shall be determined in accordance with the laws of the State of Washington. SKSD will protect, defend, indemnify and hold harmless POPD, its officers, employees, or agents from any and all costs, claims, judgments or awards of damage arising out of or in any way resulting from negligent acts or omissions of SKSD, its officers, employees or agents. POPD will protect, defend, indemnify and hold harmless SKSD, its officers, employees or agents from any and all costs, claims, judgments or awards or damage arising out of or in any way resulting from negligent acts or omissions of POPD, its officers, employees or agents. In the event of concurrent liability, the Parties shall have the right of contribution in proportion to the respective liability of each party. Nothing contained in this Section shall be deemed to waive immunities established pursuant to State Statute or to create third-party rights or immunities.

SECTION 12. Independent Contractor Status of POPD

Both parties understand and agree that POPD is acting hereunder as an independent contractor, with the following intended results:

Control of personnel, standards of performance, discipline and other aspects of the performance of the SRO shall be governed entirely by POPD;

All persons rendering services hereunder shall be for all purposes employees of POPD;

All liabilities for salaries or wages or any other compensation shall be the responsibility of POPD.

SECTION 13. SKSD Responsibility for Safety and Security

Both parties understand and agree that SKSD retains its legal responsibility for the safety and security of the school district, its employees, students, and property and that this Agreement does not alter that responsibility. The SRO shall comply with all SKSD requirements for COVID-19 screening and prevention while performing services pursuant to this Agreement.

SECTION 14. Term of the Agreement

The Agreement shall be effective commencing September 9, 2020, and expire on June 12, 2021, unless mutually extended by the parties in writing. Upon expiration of the Agreement, all equipment furnished by POPD shall remain the sole property of POPD, and any facilities, office equipment, or other material support provided by SKSD shall remain the sole property of SKSD. This Agreement may be terminated by SKSD or POPD, effective at the end of any school year, by giving to the other party notice of termination at least 60 days before the end of the school year.

SECTION 15. Interviews and Attest Procedures

If the SRO plans to interview the suspects or victims of crime, the SRO, to the extent practicable, will advise the Principal or his/her designate and work with the Principal or his/her designate to minimize the disruption to the school and other students. SKSD employees will make parental notification of such interviews in accordance with policy established in SKSD regulations and applicable laws. The Principal or Principal's designees may request to the SRO to be present during the interview of a student. If permitted, the Principal or his/her designee will be present solely as an observer of the interview and not a participant therein. The presence of an SKSD employee at an interview of a student regarding a criminal matter shall make said employee subject to subpoena as a witness thereto. In the event the SRO arrests a student at an SKSD school, the SRO shall notify the Principal or his/her designate as soon thereafter as practical. In the event the arrested student is a juvenile, POPD will notify the parents or legal guardian pursuant to POPD policy and procedure. SKSD may also make notifications as may be necessary under its own guidelines.

SECTION 16. Release of Student Information

Upon request by POPD, SKSD will provide directory information relating to its students, which is allowable under SKSD policy and State and Federal law.

SECTION 17. Police Reports

The SRO shall not provide SKSD with police reports except as allowed by Washington State law and/or POPD policies and procedures.

SECTION 18. Modification. Either party may, in writing, request changes in the Agreement. Except as otherwise provided herein, any and all agreed modifications shall be in writing, signed by each of the parties and affixed to this Agreement.

SECTION 19. Venue and Governing Law. In the event of litigation arising out of any of the terms of this Agreement, the venue of such action of litigation shall be in the courts of the State of Washington, County of Kitsap. This Agreement shall be governed by the law of the State of Washington.

SECTION 20. No Joint Venture or Separate Entity Created. No joint venture or partnership is formed as a result of this Agreement, and no separate legal entity is formed hereby. The employees or agents of each Party who are engaged in the performance of this Agreement shall continue to be employees or agents of that Party subject to the policies, procedures and control of that Party, and shall not be considered for any purpose to be employees or agents of the other Party.

SECTION 21. Entire Agreement. This written Agreement represents the entire agreement between the parties and supersedes any prior oral statements, discussions, or understanding between the parties.

SECTION 22. Counterpart Originals. This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

SECTION 18. Authorization

By resolution or ordinance or otherwise pursuant to law, the governing bodies of the parties

listed below have authorized their respective designated officials to execute this agreement on their behalf.

TIM WINTER

SUPERINTENDENT
SOUTH KITSAP SCHOOL DISTRICT

MATTHEW BROWN

CHIEF OF POLICE
CITY OF PORT ORCHARD

ROBERT PUTAANSUU

MAYOR
CITY OF PORT ORCHARD

ATTEST:

BRANDY RINEARSON

CITY CLERK
CITY OF PORT ORCHARD

APPROVED AS TO FORM:

CHARLOTTE ARCHER

CITY ATTORNEY
CITY OF PORT ORCHARD



City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
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Agenda Staff Report

Agenda Item No.: Business Item 7E
Subject: Approval of a Memorandum of Understanding
with the Police Guild Representing Patrol
Regarding Starting Pay of Lateral Police Officer
Applicants

Meeting Date: October 27, 2020
Prepared by: D. Lund
HR Coordinator
Atty Routing No.: Matter 8 - HR
Atty Review Date: October 21, 2020

Summary: The Police Department has several current vacancies for Patrol Officer. There are also a large number of law enforcement officers looking to make a lateral transfer to agencies such as ours. When recruiting qualified lateral applicants, the City must be competitive in salary and benefits. The current Collective Bargaining Agreement between the City and the Guild representing Patrol Officers did not address placement on the wage scale for experienced officers. The current hourly wage scale is:

PATROL OFFICER	1/1/2020
After 36 mos. from DOH	41.72
After 24 mos. from DOH	38.34
After 18 mos. from DOH	36.61
After 12 mos. from DOH	35.02
Commission Date	33.70
Date of Hire	30.38

Recommendation: After consultation with the Guild representing Patrol Officers, staff recommends approval of the attached Memorandum of Understanding to allow the Police Department to offer qualified candidates a starting rate of pay commiserate with their experience and qualifications.

Relationship to Comprehensive Plan: N/A

Motion for consideration: “I move to authorize the Mayor to sign a Memorandum of Understanding with the Police Guild representing Patrol Officers to revise the language in Article 8.1 of the bargaining agreement related to starting pay.”

Fiscal Impact: Negligible.

Alternatives: Do not approve the MOU and provide alternative guidance.

Attachments: None. (The MOU is not a public document until approved by Council and signed by the parties; they are, therefore, not attached).



**City of Port Orchard
Council Meeting Minutes
Regular Meeting of October 13, 2020**

1. CALL TO ORDER AND ROLL CALL

Mayor Putaansuu called the meeting to order at 6:30 p.m.

Roll call was taken by the City Clerk as follows:

Councilmember Ashby	Present via Remote Access
Councilmember Chang	Present via Remote Access
Councilmember Clauson	Present via Remote Access
Councilmember Cucciardi	Present via Remote Access
Councilmember Diener	Present via Remote Access
Councilmember Lucarelli	Present via Remote Access
Mayor Pro-Tem Rosapepe	Absent
Mayor Putaansuu	Present via Remote Access

Staff present via Remote Access: Public Works Director Dorsey, Finance Director Crocker, Community Development Director Bond, City Attorney Archer, Police Chief Brown, and City Clerk Rinearson.

Mayor Putaansuu stated pursuant to the Governor’s Stay at Home, Stay Safe order, the City Council will be conducting the meeting via Zoom this evening.

A. PLEDGE OF ALLEGIANCE

Mayor Putaansuu led the audience and Council in the Pledge of Allegiance.

2. APPROVAL OF AGENDA

MOTION: By Councilmember Clauson, seconded by Councilmember Cucciardi to approve the agenda as published.

The motion carried.

3. CITIZENS COMMENTS

There were no citizen comments.

4. CONSENT AGENDA

A. Approval of Voucher Nos. 80539 through 80589 and 80593 through 80700, including bank drafts in the amount of \$1,141,935.14 and EFT’s in the amount of \$20,522.57 totaling \$1,162,457.71.

- B. Approval of Payroll Check Nos. 80590 through 80592 including bank drafts and EFT's in the amount of \$129,050.98; and Direct Deposits in the amount of \$184,273.33 totaling \$313,324.31.
- C. Adoption of an Ordinance Amending Port Orchard Municipal Code Chapter 10.12 Establishing Regulations and Fees Related to Parking, Stopping, and Standing in Certain Areas of the City (**Ordinance No. 026-20**)
- D. Ratification of Mayor's Signature on Grant No. GVL24702 with DOH for the McCormick Woods/Port Orchard Water Systems Consolidation Study
- E. Approval of a Contract with Lakewood Police Department for Facility Use of the City's Firearms Range (**Contract No. 077-20**)
- F. Approval of the September 15, 2020, Council Work Study Session Meeting Minutes
- G. Excusal of Councilmember Rosapepe Due to Personal Obligations

MOTION: By Councilmember Cucciardi, seconded by Councilmember Clauson, to approve the consent agenda as presented.

The motion carried.

5. PRESENTATION

A. Revenue Sources

Finance Director Crocker provided a presentation on 2021 revenue sources and the 2020 biennial budget calendar, noting there is an all-day department director budget presentation to the Finance Committee on October 28.

6. PUBLIC HEARING

A. Adoption of an Ordinance Proposing Revisions to Port Orchard Municipal Code Chapter 3.48 Multifamily Property Tax Exemption

Mayor Putaansuu opened the public hearing, and there being no testimony, closed the public hearing at 7:05 p.m.

7. BUSINESS ITEMS

A. Adoption of an Ordinance Revising Port Orchard Municipal Code Chapter 3.48 Multifamily Tax Property Tax Exemption

MOTION: By Councilmember Diener, seconded by Councilmember Ashby, to adopt an ordinance adopting revisions to Port Orchard Municipal Code Chapter 3.48.

The motion carried.
(Ordinance No. 029-20)

B. Adoption of an Ordinance Adopting Amendments to Port Orchard Municipal Code Chapter 20.26 Development Agreements

MAIN MOTION: By Councilmember Diener, seconded by Councilmember Ashby, to adopt an ordinance adopting amendments to Chapter 20.26 Port Orchard Municipal Code.

Councilmember Diener asked if section 20.26.060, should be modified to read 'The decision of the city council to approve or reject a request for a development agreement *including any subsequent extensions* shall be a discretionary legislative act...'

Development Director Bond responded if we are going to talk about extensions, we should also talk about amendments; 'The decision of the city council to approve or reject a request for a development agreement including an *amendment* or extension shall be discretionary...' He offered to work with the city attorney on the language.

AMENDED MOTION: By Councilmember Diener, seconded by Councilmember Clauson, to revise 20.26.060 to read 'The decision of the city council to approve or reject a request for a development agreement including any subsequent amendments or extensions shall be a discretionary legislative act and an exercise of the city's police power and contract authority'.

The amended motion carried.

**The main motion carried.
(Ordinance No. 030-20)**

C. Adoption of a Resolution Approving a Contract with the South Kitsap School District for COVID-19 Relief

MOTION: By Councilmember Lucarelli, seconded by Councilmember Clauson, to adopt a resolution declaring a public purpose, authorizing a grant award to the South Kitsap School District for COVID-19 relief, and authorizing the Mayor to execute an agreement with the District in a form acceptable to the City Attorney.

**The motion carried.
(Resolution No. 047-20 and Contract No. 079-20)**

D. Adoption of a Resolution Approving an Amendment to Contract No. 060-20 with the Department of Commerce Related to the COVID-19 CARES Act Funds

MOTION: By Councilmember Diener, seconded by Councilmember Cucciardi, to adopt a Resolution authorizing the Mayor to enter into the amendment to the Interagency Agreement with Department of Commerce, related to the COVID-19 CARES Act Funds for Local Governments in Washington State.

**The motion carried.
(Resolution No. 048-20)**

E. Adoption of a Resolution Amending Resolution No. 029-20 to Increase the Total Amount of Available Grant Funding, and to Approve an Amendment to Contract No. 063-20 with the Kitsap Economic Development Alliance for Administration of the Port Orchard CARES Small Business Relief Grant Program

MOTION: By Councilmember Cucciardi, seconded by Councilmember Ashby, to adopt a resolution amending the Port Orchard Cares, Small Business Relief Grant Program to increase the total amount of available grant funding, authorizing the Mayor to implement the Program as amended, and authorizing the Mayor to execute an amended contract with the Kitsap Economic Development Alliance for the administration of the Program.

**The motion carried.
(Resolution No. 049-20)**

F. Adoption of a Resolution Approving a Contract with Rice Fergus Miller for the 2020-2021 Schematic Design (30%) City Hall Improvement Project

MOTION: By Councilmember Clauson, seconded by Councilmember Lucarelli, to adopt Resolution No. 041-20, thereby approving Contract No. C075-20 with Rice Fergus Miller, Inc. for the 2020-2021 Schematic (30%) City Hall Improvement Project in the amount of \$106,500 and documenting the Professional Services procurement procedures.

**The motion carried.
(Resolution No. 041-20 and Contract No. 075-20)**

G. Approval of the September 22, 2020, Council Meeting Minutes

MOTION: By Councilmember Clauson, seconded by Councilmember Diener, to approve the minutes as published.

The motion carried.

8. DISCUSSION ITEMS (No Action to be Taken)

A. Biennial Budget

Mayor Putaansuu noted the biennial budget was discussed earlier this evening.

Council Direction: No direction was given to staff.

9. REPORTS OF COUNCIL COMMITTEES

Councilmember Clauson reported on the October 5th Finance Committee meeting.

Mayor Putaansuu reported the Economic Development and Tourism Committee meeting is scheduled for October 26th. The Utilities Committee meeting is scheduled for October 20th. The Transportation Committee meeting is scheduled for October 27th.

Councilmember Lucarelli reported the Sewer Advisory Committee meeting is scheduled for November 18th. She also reported on the Festival of Chimes and Lights event. The next Festival of Chimes and Lights meeting is scheduled for next week [October 19th].

Councilmember Diener reported on the October 7th Land Use Committee meeting.

City Clerk Rinearson reported on lodging tax applications and pending committee meeting dates.

Mayor Putaansuu reported on the Kitsap Transit meetings, Gorst Coalition meeting, and KRCC [Kitsap Regional Coordinating Council] meetings.

Councilmember Ashby reported the Legislative Reception will be held through Zoom and reported on the PRTPO [Peninsula Regional Transportation Planning Organization].

Councilmember Clauson spoke to the Gorst Coalition and project.

10. REPORT OF MAYOR

Mayor Putaansuu reported on the following:

- South Kitsap Community Event Center survey;
- Police resident vacation requests;
- Bay Street Pedestrian Pathway; and
- Building Inspector and Code Enforcement officer positions.

11. REPORT OF DEPARTMENT HEADS

Community Development Director Bond reported on the community event center project and building inspector and code enforcement positions.

Police Chief Brown reported on accreditation, Strategic Advisory Board, and a Community Advisory Board.

City Attorney Archer reported the Governor extended the proclamation with regards to the Open Public Meetings Act and Public Records Act suspensions to November 9th and prohibition on disconnection of utility fees. Opening of City Hall is suspended until we are in Phase 3.

City Clerk Rinearson reported on the public electronic records portal and spoke to the AWC/RMSA [Association of Washington Cities/Risk Management Service Agency] meeting she attended.

12. CITIZEN COMMENTS

There were no citizen comments.

13. EXECUTIVE SESSION

There was no executive session.

14. ADJOURNMENT

The meeting adjourned at 8:13 p.m. No other action was taken. Audio/Visual was successful.

Brandy Rinearson, MMC, City Clerk

Robert Putaansuu, Mayor